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PROCEEDINGS HELD ON 17 JANUARY 2019

CHAIRPERSON: Good morning Mr Pretorius, good morning everybody.

ADV PAUL PRETORIUS SC: Good morning Chair.

MR ANGELO AGRIZZI: Good morning Chair thank you.

CHAIRPERSON: Thank you Mr Agrizzi thank you. Are you ready Mr Pretorius?

ADV PAUL PRETORIUS SC: Yes we are Chair.

CHAIRPERSON: Yes.

ADV PAUL PRETORIUS SC: We are about to show to the Commission a video recording. The words on the video recording insofar as they are audible have been
10 transcribed into a document, which has been handed to you in an envelope. However, that transcription is not signed by the transcriber so may I replace that with another? This is EXHIBIT 2.

CHAIRPERSON: Okay.

ADV PAUL PRETORIUS SC: EXHIBIT S2.

CHAIRPERSON: Oh yes thank you. Are being informed that it is signed?

ADV PAUL PRETORIUS SC: Yes. I am sorry I gave you the wrong number Chair, it is S4, this is EXHIBIT S4.

CHAIRPERSON: Oh. Well this is S2 that I have here.

ADV PAUL PRETORIUS SC: Yes well remember Chair the first bundle is S1 now.

20 **CHAIRPERSON:** Yes.

ADV PAUL PRETORIUS SC: The second bundle is S2, is that right?

CHAIRPERSON: Yes. Oh okay no I am sorry I am confusing you.

ADV PAUL PRETORIUS SC: The video we are playing will be EXHIBIT S3 and the transcript of that video is S4.

CHAIRPERSON: Okay alright.

ADV PAUL PRETORIUS SC: That transcript should actually be placed into the bundle, but we will do that at a later stage.

CHAIRPERSON: Okay thank you. Before you start there is just one or two – there are just one or two questions that I want to put to Mr Agrizzi just to round off on a question that I asked yesterday. Mr Agrizzi when I asked you yesterday about the amount of – the total amount of cash payments per month, you asked me whether I wanted you to talk about only cash payments. I got the impression that there were other forms of payments that you wanted to talk about. I know that you have given evidence relating to items of groceries and so on and so on. The question I want to
10 put to you is whether there were – whether the gifts that were paid out, or were given to certain people were regular in the same way as the cash payments? In other words, were they like monthly as well, or they were given as occasion was considered to demand?

MR ANGELO AGRIZZI: Thank you Chair. Chair just to let you know that the payments were also for – for instance hiring of vehicles, travel and that type of thing. They were not regular in the sense that they were not monthly, but that would happen quite often, I would say every two/three months.

CHAIRPERSON: Yes okay no that is fine. And I think when I asked you the question about cash payments yesterday; I was talking about when you started –
20 when you were given this responsibility for the first time of handling cash and keeping records. Now the amounts that you told us about R4 million to R6 million per month.

MR ANGELO AGRIZZI: Yes.

CHAIRPERSON: Do they relate to right at the beginning when you were starting to do this – execute the responsibility, or were those amounts the amounts as well

when you left with Bosasa?

MR ANGELO AGRIZZI: Chair those were the amounts when I left Bosasa.

CHAIRPERSON: When you started on this responsibility, can you remember or can you not remember?

MR ANGELO AGRIZZI: I cannot remember Chair.

CHAIRPERSON: Okay.

MR ANGELO AGRIZZI: I think it is in my affidavit, but I am trying to jog my memory to get the exact date.

CHAIRPERSON: Well I have seen R4 million to R6 million in your affidavit as well,
10 but I cannot remember whether you do specify as to those payments having been –
or that applying to the time that you left or much earlier.

MR ANGELO AGRIZZI: Yes.

CHAIRPERSON: But I think it is helpful enough for me if you say, at least by the time you left they were – Bosasa was spending between R4 million to R6 million in terms of cash payments per month in bribes.

MR ANGELO AGRIZZI: Thank you Chair.

CHAIRPERSON: Thank you. Mr Pretorius?

ADV PAUL PRETORIUS SC: In relation to your questions Chair, there are a number of issues of detail and clarification that have arisen.

20 **CHAIRPERSON**: Yes.

ADV PAUL PRETORIUS SC: And that will arise during the course of the testimony.

CHAIRPERSON: Yes.

ADV PAUL PRETORIUS SC: That will require attention.

CHAIRPERSON: Yes.

ADV PAUL PRETORIUS SC: It is our intention to assess the evidence perhaps

tomorrow and then do a comprehensive sweep as it were of the evidence to provide that detail. But may I ask, before we play the video just three questions?

CHAIRPERSON: Yes.

ADV PAUL PRETORIUS SC: That may clarify evidence given yesterday.

CHAIRPERSON: Yes.

ADV PAUL PRETORIUS SC: We will go out of sequence now a little Mr Agrizzi, you will forgive me. You gave evidence yesterday of three contracts at Goldfields?

MR ANGELO AGRIZZI: Correct.

ADV PAUL PRETORIUS SC: And these contracts were awarded, or were entered
10 into at the time you transferred from Molohe Foods to Dyambu?

MR ANGELO AGRIZZI: Correct.

ADV PAUL PRETORIUS SC: They involved the Libanon Mine, the Kloof Mine and the Leeudoring Mine?

MR ANGELO AGRIZZI: Correct.

ADV PAUL PRETORIUS SC: What was the approximate value to Dyambu?

MR ANGELO AGRIZZI: The only contracts that were awarded to Dyambu at that stage was Libanon and Kloof Mine and the value of them is in the region of approximately R160 million per annum.

ADV PAUL PRETORIUS SC: Over a period of time?

20 **MR ANGELO AGRIZZI:** Per annum.

ADV PAUL PRETORIUS SC: Yes but that per annum it was not one year contract was it?

MR ANGELO AGRIZZI: No, no, no it was ...[intervenes]

ADV PAUL PRETORIUS SC: It was for longer than one year?

MR ANGELO AGRIZZI: Yes it was for about three years if I recall.

ADV PAUL PRETORIUS SC: Then in relation to ACSA you gave evidence of payments to officials of the Airports' Company of South Africa?

MR ANGELO AGRIZZI: Yes.

ADV PAUL PRETORIUS SC: The value of the contracts at the time the payments were made, approximate value to Bosasa, what was that value?

MR ANGELO AGRIZZI: If I recall correctly and I stand to correction, because it is a long time ago, it was in 2001 or 2002. It was in the region of about R14 million per month. So that would be about R180 million per annum.

ADV PAUL PRETORIUS SC: Right. Then you spoke about a later period in relation
10 to ACSA 2009/2010, do you recall that?

MR ANGELO AGRIZZI: I do.

ADV PAUL PRETORIUS SC: What was the value of the contracts at that time?

MR ANGELO AGRIZZI: I would like to check, but it would be much more because the first contract was only for OR Tambo, the second contract was for Airports Nationally.

ADV PAUL PRETORIUS SC: Okay. We will go into that detail when we do the review of your evidence and fine tune the detail.

MR ANGELO AGRIZZI: Thank you.

ADV PAUL PRETORIUS SC: Then in relation to the South African Post Office, at
20 the time payments were made, what was the value of the contracts then?

MR ANGELO AGRIZZI: Chair the payment – the value was about also R180 million per annum at that time.

ADV PAUL PRETORIUS SC: Right. There are other matters that we will have to clarify, or provide more detail in relation to, but we will do that at a later stage.

MR ANGELO AGRIZZI: Thank you.

CHAIRPERSON: Going back to ACSA, that contract was it for the provision of security services, or was it for more than that?

MR ANGELO AGRIZZI: The ACSA contract was initially for the provision of security services and gardening at the Multi-Storey car park.

CHAIRPERSON: Oh okay thank you.

ADV PAUL PRETORIUS SC: Mr Agrizzi we were at paragraph 12.6 of your affidavit and in that affidavit you say you have available a video, you have made that video available to the Commission and the Commission has now arranged to show that video. But before we do so, can we place this video in its context. You did not take
10 this video?

MR ANGELO AGRIZZI: I did not, but I did ask a person to take the video for me.

ADV PAUL PRETORIUS SC: Right. You do know that there is corroborative evidence available in relation to the content of the video, a yes or no will suffice?

MR ANGELO AGRIZZI: Yes.

ADV PAUL PRETORIUS SC: Yes. The video shows movements into a vault, activities in a vault and movements in the immediate vicinity of the vault.

MR ANGELO AGRIZZI: Correct.

ADV PAUL PRETORIUS SC: You know that vault, I understand?

MR ANGELO AGRIZZI: Very well.

20 **ADV PAUL PRETORIUS SC:** And do you know the contents of the vault from your own memory?

MR ANGELO AGRIZZI: Exceptionally well.

ADV PAUL PRETORIUS SC: Are you able to recognise the scenes on the video?

MR ANGELO AGRIZZI: Most definitely Chair.

ADV PAUL PRETORIUS SC: The persons who speak on the video, do you know

them?

MR ANGELO AGRIZZI: Very well.

ADV PAUL PRETORIUS SC: Are you able to recognise them?

MR ANGELO AGRIZZI: Most definitely.

ADV PAUL PRETORIUS SC: And can you identify their voices?

MR ANGELO AGRIZZI: I can Chair.

ADV PAUL PRETORIUS SC: The activities in the vault and immediately outside the vault, are those activities that were at the time unusual, were they common place?

MR ANGELO AGRIZZI: They were common place.

10 **ADV PAUL PRETORIUS SC**: Are you aware of those activities?

MR ANGELO AGRIZZI: I am aware of those activities.

ADV PAUL PRETORIUS SC: Alright. So you are able then to assist the Commission as I understand it to describe exactly what happens on the video?

MR ANGELO AGRIZZI: Most definitely in detail.

ADV PAUL PRETORIUS SC: Alright. Do you have Exhibit S4 in front of you, that is the transcript, the new transcript? We will provide you with a copy.

MR ANGELO AGRIZZI: If you could.

ADV PAUL PRETORIUS SC: If you would bear with me one moment Chair.

CHAIRPERSON: Thank you.

20 **ADV PAUL PRETORIUS SC**: The detail on the video is related to timing on the video. When you show that video will you just check please where the timing is shown?

MR ANGELO AGRIZZI: I will check.

ADV PAUL PRETORIUS SC: So just play on a bit and see if the timing is shown on the screen?

MR ANGELO AGRIZZI: Excuse me Chair, but my transcript does not have timing on it.

ADV PAUL PRETORIUS SC: No I am not talking about the transcript Mr Agrizzi, the actual video.

MR ANGELO AGRIZZI: Yes.

ADV PAUL PRETORIUS SC: You know that when one plays a video ...[intervenes]

MR ANGELO AGRIZZI: Yes.

ADV PAUL PRETORIUS SC: On occasion you can see how many seconds or minutes have been played.

10 **MR ANGELO AGRIZZI:** Yes.

ADV PAUL PRETORIUS SC: And then one can go to a particular point in the video.

MR ANGELO AGRIZZI: Correct.

ADV PAUL PRETORIUS SC: Are those facilities available now?

MR ANGELO AGRIZZI: Yes they are.

ADV PAUL PRETORIUS SC: Okay. Alright let us go to the beginning of the video if you can and that is the screenshot on the screen at the moment. That image that you see on the screen.

MR ANGELO AGRIZZI: Yes.

ADV PAUL PRETORIUS SC: What is that?

20 **MR ANGELO AGRIZZI:** Chair that is safe inside of the vault of the company's secretary's office.

ADV PAUL PRETORIUS SC: And do you know what the writing on that safe was at the time?

MR ANGELO AGRIZZI: I do.

ADV PAUL PRETORIUS SC: What was it?

MR ANGELO AGRIZZI: The writing on the safe was to do with the legal privilege, because we were concerned that we be raided. There was some documents in there, but there was – mostly that was the holding place for the cash Chair. So we had there, there you would have to contact Hogan Lovells and Brian B Buck to get access into the safe.

ADV PAUL PRETORIUS SC: Because privileged documents were in the safe?

MR ANGELO AGRIZZI: Correct.

ADV PAUL PRETORIUS SC: Alright. Would you play then to 48 seconds please?

CHAIRPERSON: Well before he does – I am sorry Mr Agrizzi. The documents that
10 were placed there, were they placed there so that, they could seem to be a basis to claim privilege and therefore deny access in case there is a raiding, or they were there because that is where they legitimately could be?

MR ANGELO AGRIZZI: Chair I must admit, I put that sticker on the safe personally because – and I had one or two documents in the safe there that were regarding the information that was given to me by Gavin Watson regarding the SLU and the NPA investigation. So that is one of the reasons why those documents were in that safe as well.

CHAIRPERSON: So the documents that were sought to be protected by this writing, were documents relating to the SLU?

20 **MR ANGELO AGRIZZI:** And the NPA investigation, correct.

CHAIRPERSON: And the NPA. Were the documents that – Bosasa had legitimately acquired?

MR ANGELO AGRIZZI: No Chair.

CHAIRPERSON: So they were there unlawfully?

MR ANGELO AGRIZZI: Correct.

CHAIRPERSON: Thank you.

ADV PAUL PRETORIUS SC: Alright. Would you play the video please?

MR ANGELO AGRIZZI: I will do.

PLAYING THE VIDEO

ADV PAUL PRETORIUS SC: And stop at 48 seconds. Right perhaps stop there.
What is shown on the video there?

MR ANGELO AGRIZZI: Chair what is shown on the video is a person called
Andries van Tonder opening up the safe, the bottom safe, taking out a box of cash.

ADV PAUL PRETORIUS SC: Alright. Well as far as the video is concerned he is
10 taking out a box?

MR ANGELO AGRIZZI: Yes.

ADV PAUL PRETORIUS SC: Okay. Just play on it will become clearer. Those
shelves there, are they in the vault or outside the vault?

MR ANGELO AGRIZZI: They are inside the vault.

ADV PAUL PRETORIUS SC: Right. Please play on. Okay stop there. Is that the
box to which you were referring?

MR ANGELO AGRIZZI: Correct.

ADV PAUL PRETORIUS SC: And you know from the video and your own personal
knowledge the identity of the person who was holding that box?

20 **MR ANGELO AGRIZZI:** Most definitely.

ADV PAUL PRETORIUS SC: Who was he?

MR ANGELO AGRIZZI: The gentleman was Andries van Tonder he was the
...[intervenes]

ADV PAUL PRETORIUS SC: What – he was, yes?

MR ANGELO AGRIZZI: The CFO Chair.

ADV PAUL PRETORIUS SC: Of?

MR ANGELO AGRIZZI: Bosasa.

ADV PAUL PRETORIUS SC: Alright. Please play on.

CHAIRPERSON: Maybe before he – maybe he should go back a little bit, I did not see whether the face of the person is shown on the – an arm or something. Can he just go back a little bit?

ADV PAUL PRETORIUS SC: Okay stop there please. Up until that point, it is clear from the video that one cannot recognise the person handling the box?

MR ANGELO AGRIZZI: Correct Chair.

10 **ADV PAUL PRETORIUS SC:** How do you know that that is Mr van Tonder?

MR ANGELO AGRIZZI: Two reasons, because you hear me speaking just now and also because I asked him to take the video.

ADV PAUL PRETORIUS SC: And is the person handling the box taking the video?

MR ANGELO AGRIZZI: That is right.

CHAIRPERSON: So he was carrying out your instructions in taking ...[intervenes]

MR ANGELO AGRIZZI: Yes Chair.

CHAIRPERSON: The – okay I am sorry. Is it the person who took the video that you instructed to take the video, or is it Mr van Tonder that you instructed to take the box out?

20 **MR ANGELO AGRIZZI:** It is the same person Mr Chair.

CHAIRPERSON: And both were done at your instructions – on your instructions?

MR ANGELO AGRIZZI: We discussed it, I would not say it was an instruction.

CHAIRPERSON: Yes but you ...[intervenes]

MR ANGELO AGRIZZI: We discussed it.

CHAIRPERSON: You knew about it?

MR ANGELO AGRIZZI: Yes.

CHAIRPERSON: Okay thank you.

ADV PAUL PRETORIUS SC: Why can you not see the face of the person handling the box Mr van Tonder?

MR ANGELO AGRIZZI: It was quite a heavy box Chair and he is having to carry it by himself.

ADV PAUL PRETORIUS SC: Where is the camera, or the cell phone camera?

MR ANGELO AGRIZZI: The cell phone is in his top left hand pocket.

ADV PAUL PRETORIUS SC: Okay. Alright, the video has just shown a person, if
10 you could go back please. Stop. Who is that? That is at 48 seconds I understand it.

MR ANGELO AGRIZZI: Correct. The person is the company's secretary
Natasha Olivier.

ADV PAUL PRETORIUS SC: Now if we play to 1 minute 22 seconds, you will during that section of the video hear someone talking and someone outside the vault?

MR ANGELO AGRIZZI: Correct.

ADV PAUL PRETORIUS SC: Just play it and then tell the Chair please what is appearing on the video and who is talking.

MR ANGELO AGRIZZI: Will do.

ADV PAUL PRETORIUS SC: Stop please. Chair if you go to the transcript, the
20 words being spoken appear in the transcript.

CHAIRPERSON: Okay.

ADV PAUL PRETORIUS SC: Who is the male who is talking there?

MR ANGELO AGRIZZI: Andries van Tonder.

ADV PAUL PRETORIUS SC: Right. Please continue.

MR ANGELO AGRIZZI: The lady that greets him at first is the lady by the name of

Shalimar Loo she works in the IT Division. She is just walking passed him.

ADV PAUL PRETORIUS SC: And they simply greet at this stage?

MR ANGELO AGRIZZI: Yes.

ADV PAUL PRETORIUS SC: Continue please. Okay would you stop there please.
What is happening now?

MR ANGELO AGRIZZI: Andries is walking – he walked out of the reception area and he is now turned left and he is walking passed the Bid Office on the left and he is walking towards Salaries and Wages on the left and he would be turning right through the garden into Consilium's office.

10 **ADV PAUL PRETORIUS SC:** What is the relevance of Consilium here?

MR ANGELO AGRIZZI: The vault is built behind the main boardroom in the Consilium office. So the only person that would have had access to the Consilium once a month was Doctor Jurgen Smith and Caroline Grammar who did the wages for Consilium. But Gavin Watson had a key to get in and out as he wanted to.

ADV PAUL PRETORIUS SC: Alright. So the box has being transported from where to where?

MR ANGELO AGRIZZI: The box is being transported from the secretary – the company's secretary's office vault to Gavin Watson's vault.

20 **ADV PAUL PRETORIUS SC:** So we have two vaults here. The first vault is the vault that we saw in the first part of the video that you have just played, is that correct?

MR ANGELO AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: And you say that vault resides in the company's secretary's office?

MR ANGELO AGRIZZI: Correct.

ADV PAUL PRETORIUS SC: And that person who was seen on the video, the female person is in fact the company's secretary?

MR ANGELO AGRIZZI: Correct.

ADV PAUL PRETORIUS SC: The box insofar as there is evidence necessary to confirm that that is available is being transported from that vault to another vault?

MR ANGELO AGRIZZI: That is right Chair.

ADV PAUL PRETORIUS SC: And the latter vault is Gavin Watson's vault near the Consilium offices?

MR ANGELO AGRIZZI: Correct.

10 **ADV PAUL PRETORIUS SC:** Alright. Just please play on to 1:49. Stop at 1:49, what is happening here?

MR ANGELO AGRIZZI: Andries van Tonder there are two doors that needs to go through. The first door opening it up to the office block, the second door would be going to the vault which was always hidden – all vaults were hidden behind false walls or doors.

ADV PAUL PRETORIUS SC: Right. And if you could just play on to 1:49 or 1:50. Stop there please, just go back. Okay if you could replay from there.

MR ANGELO AGRIZZI: Sorry Chair.

20 **ADV PAUL PRETORIUS SC:** I hope I can warn you in time to stop. But just before you see the person in the video there is a scene that I want you to comment on please.

MR ANGELO AGRIZZI: Will do.

ADV PAUL PRETORIUS SC: Stop there please. That sign there, where does that sign exist?

MR ANGELO AGRIZZI: Sorry Chair I just want to get it clear for you.

CHAIRPERSON: Okay.

ADV PAUL PRETORIUS SC: It is there, stop. Where are we on the video in terms of minutes and seconds?

MR ANGELO AGRIZZI: 1:46.

ADV PAUL PRETORIUS SC: Right. You show there a notice on a door, on what looks like a door.

MR ANGELO AGRIZZI: It is exactly the same notice that I mentioned earlier on the safe that is the vault door.

ADV PAUL PRETORIUS SC: So that is the door to Gavin Watson's vault, it has the
10 same sign regarding privilege?

MR ANGELO AGRIZZI: Correct.

ADV PAUL PRETORIUS SC: The sign client privilege as existed on the safe in the secretary's office?

MR ANGELO AGRIZZI: Correct Chair.

ADV PAUL PRETORIUS SC: Alright just play.

CHAIRPERSON: And for completeness, you told us yesterday that there were about eight vaults, do they all have this writing?

MR ANGELO AGRIZZI: Correct Chair.

CHAIRPERSON: Okay right and they have documents inside?

20 **MR ANGELO AGRIZZI:** Correct Chair.

CHAIRPERSON: Okay thank you.

ADV PAUL PRETORIUS SC: Just play on for a second if you would. Further please, stop. You see there an olive green or grey container or cupboard or safe, what is that?

MR ANGELO AGRIZZI: The long olive green, it is actually olive green Chair, it is

what we call a "drop safe". If you look carefully you can actually see it has got a picture in it, which opens up.

ADV PAUL PRETORIUS SC: Right now that safe is the subject matter of some testimony to come?

MR ANGELO AGRIZZI: Correct.

ADV PAUL PRETORIUS SC: Right. And if you look towards the bottom of the screen, you will see some items, what are those?

MR ANGELO AGRIZZI: Next to the photostat paper if you look just underneath it with a yellow strip and a blue strip across it, those are the security bags Chair.

10 **ADV PAUL PRETORIUS SC:** Right you have given ...[intervenes]

CHAIRPERSON: The ones you told us about yesterday?

MR ANGELO AGRIZZI: Correct Chair.

ADV PAUL PRETORIUS SC: And what is the use – just remind Chair please, what is the use of those bags?

MR ANGELO AGRIZZI: The use of those bags is to pack cash to pay people with bribes.

ADV PAUL PRETORIUS SC: Go on please.

CHAIRPERSON: Maybe just for the sake of completeness, I wanted to ask this question yesterday. At a practical level at Bosasa, were they only used for cash, for
20 bribes, or were they also used for other legitimate payments?

MR ANGELO AGRIZZI: No Chair they were only used for bribes.

CHAIRPERSON: Okay thank you.

ADV PAUL PRETORIUS SC: Right. Go on please until you see a person standing at a table, or sitting at a table. I stand corrected. Go back please. It should be at 1:50. Stop please.

MR ANGELO AGRIZZI: Sorry I am not used to this computer.

ADV PAUL PRETORIUS SC: Stop. Who is that person in the blue shirt?

MR ANGELO AGRIZZI: The gentleman is Mr Gavin Watson.

ADV PAUL PRETORIUS SC: And where is he seated?

MR ANGELO AGRIZZI: He is seated on the left hand side of the vault. He has a table a chair there and behind him is his safes.

ADV PAUL PRETORIUS SC: Is he in the vault or outside the vault?

MR ANGELO AGRIZZI: He is inside the vault.

ADV PAUL PRETORIUS SC: Right. Go on please. Does he say anything at this
10 stage?

MR ANGELO AGRIZZI: Morning – I think he just mentioned, I did not hear properly, I think he said "good morning" or "morning to you".

ADV PAUL PRETORIUS SC: Alright.

CHAIRPERSON: You said he has the desk and the chair there, is that right?

MR ANGELO AGRIZZI: Yes.

CHAIRPERSON: Would that desk be the desk where he would count the cash that would go to the cash bags, or – in other words, is it used for counting the cash, or does he sit there to do anything else?

MR ANGELO AGRIZZI: It is used primarily for counting cash.

20 **CHAIRPERSON:** Okay thank you.

ADV PAUL PRETORIUS SC: Carry on please until you see a second door too, later at 1:52 another person. That person.

MR ANGELO AGRIZZI: My apologies.

ADV PAUL PRETORIUS SC: No take your time please, it is evidence that we must do properly. We do not see his full face, although that ...[intervenes]

CHAIRPERSON: Ja probably ...[intervenes]

ADV PAUL PRETORIUS SC: Maybe because of where you stopped on the video.

CHAIRPERSON: Yes just try again.

ADV PAUL PRETORIUS SC: If you would bear with me a moment Chair.

CHAIRPERSON: Okay.

ADV PAUL PRETORIUS SC: I am told by our expert we do not have a facility that allows frame by frame movement on the video. So if you would just bear with us Chair.

CHAIRPERSON: Ja okay.

10 **ADV PAUL PRETORIUS SC:** Okay. In the video now immediately after the scene where Gavin Watson is seated at his desk, you see another person. Who is that person?

MR ANGELO AGRIZZI: That is Johannes Gumede.

ADV PAUL PRETORIUS SC: And where is that person seated?

MR ANGELO AGRIZZI: He is seated at the desk. There was always a spare Chair there. There are only two chairs in the vault Chair, he is seated at the one chair at the same desk as Gavin Watson.

ADV PAUL PRETORIUS SC: Alright, and that is at 1:52, am I correct?

20 **CHAIRPERSON:** Is that the clearest picture of his face that we can have here on this or not?

MR ANGELO AGRIZZI: I think further on it gets a bit clearer.

CHAIRPERSON: Okay, alright.

ADV PAUL PRETORIUS SC: Behind him there are some items in the shelves, what are those items?

MR ANGELO AGRIZZI: Those are very confidential files.

CHAIRPERSON: As far as you knew would they have been very confidential legitimate business files or would they fall in the same category as the NPA and SLU documents that you put in the vault that you told us about earlier?

MR ANGELO AGRIZZI: Sorry Chair, some of them would be legitimate documents. A lot of them would be shareholders' agreements and then the unlawful documents as well.

CHAIRPERSON: Okay thank you.

ADV PAUL PRETORIUS SC: Members of the legal teams, I seem to be sharper than ours Mr Agrizzi, would you go back please to the scene where Mr Gavin Watson
10 is seated at his desk, that is 1 minute 50 and 1 minute 51.

ADV PAUL PRETORIUS SC: Stop. I am told that there are some items on the desk which may be necessary to identify, if you could go back please. Do you see immediately in front of Mr Watson on the desk there are some items, if you could try and stop the video there. Stop. Just missed it.

MR ANGELO AGRIZZI: Sorry I am just trying to ...[intervenes].

ADV PAUL PRETORIUS SC: Chair, may I ask if you would bear with us for a moment, we do have a person skilled in these technological matters.

CHAIRPERSON: Yes.

ADV PAUL PRETORIUS SC: He says to me that he would appreciate an
20 opportunity to check whether we have a frame by frame function.

CHAIRPERSON: Okay.

ADV PAUL PRETORIUS SC: On this computer.

CHAIRPERSON: Yes.

ADV PAUL PRETORIUS SC: Which will save a lot of time ultimately because there is a lot to play where 1 minute, nearly 2 minutes through a 6 minute video.

CHAIRPERSON: Yes.

ADV PAUL PRETORIUS SC: And the detail later needs more precision than now.

So if we could just take five minutes please.

CHAIRPERSON: Okay we will take five minutes, we will resume at 10:40.

ADV PAUL PRETORIUS SC: Thank you Chair.

CHAIRPERSON: Thank you, we adjourn.

REGISTRAR: All rise.

HEARING ADJOURNS

HEARING RESUMES

10 **CHAIRPERSON**: Yes Mr Pretorius?

ADV PAUL PRETORIUS SC: Thank you for that opportunity Chair. Mr Agrizzi the scene now on the video is at what timing?

MR ANGELO AGRIZZI: Chair the time is 1:51.

ADV PAUL PRETORIUS SC: Alright, and that is immediately after you have seen an image of a person you described as Gavin Watson?

MR ANGELO AGRIZZI: Correct.

ADV PAUL PRETORIUS SC: And is that Gavin Watson's desk there?

MR ANGELO AGRIZZI: Correct.

20 **ADV PAUL PRETORIUS SC**: We have spoken about that, and it is immediately before the video moves on to a person you identified as Mr Gumede?

MR ANGELO AGRIZZI: Correct.

ADV PAUL PRETORIUS SC: Do you see what is on the desk there?

MR ANGELO AGRIZZI: I do Chair, it is money in a bag.

ADV PAUL PRETORIUS SC: Alright.

MR ANGELO AGRIZZI: A pen and what seems to be a paper or a list.

CHAIRPERSON: Please just raise your voice, I think because you have moved back so it is not coming across clearly.

MR ANGELO AGRIZZI: My apologies Chair.

CHAIRPERSON: Yes, you say there is money in a bag?

MR ANGELO AGRIZZI: Yes. If you look on the table there is a plastic bag and there is money inside there. There is R100 notes and there is a pile of R100 notes on top of a piece of paper, a pen and what looks to be like a cell phone next to the pad.

ADV PAUL PRETORIUS SC: Alright, now it would be difficult to conclude, just from
10 what we see on the video, that those are R100 notes, are you relying on other information or memory to say what you say?

MR ANGELO AGRIZZI: Chair, we used to get the money in either 100s or preferably R200 notes.

CHAIRPERSON: And the colour of the two is – the colours are different.

MR ANGELO AGRIZZI: You can see the difference.

CHAIRPERSON: The plastic bag that is on the desk there, I assume is not the, one of the bags, the type that you told us about yesterday because this one seems to be transparent. You said those other ones are not or am I mistaken?

MR ANGELO AGRIZZI: You are 100% right Chair. That plastic bag is over those
20 notes because those notes come in packed, I think it is R1 million in one big bag, which is wrapped by the people that collect the cash and that type of thing.

CHAIRPERSON: Okay thank you.

ADV PAUL PRETORIUS SC: Mr Agrizzi would you play through to 1 minute 57 seconds, we have dealt with some of the scenes already in evidence but if there is anything between there an 1 minute 57 seconds that you wish to comment on please

do so.

MR ANGELO AGRIZZI: Thank you.

ADV PAUL PRETORIUS SC: Alright.

MR ANGELO AGRIZZI: If I could just rewind it. Shift and back?

ADV PAUL PRETORIUS SC: To there, stop. Stop. Alright could you stop at – hang on.

MR ANGELO AGRIZZI: My apologies Chair.

ADV PAUL PRETORIUS SC: Stop.

MR ANGELO AGRIZZI: No leave it, I will do it okay.

10 **ADV PAUL PRETORIUS SC**: Stop there please. The ...[intervenes].

MR ANGELO AGRIZZI: If I may make a point?

ADV PAUL PRETORIUS SC: Yes please.

MR ANGELO AGRIZZI: I think that is a slightly clearer picture of the cash.

ADV PAUL PRETORIUS SC: Alright.

MR ANGELO AGRIZZI: And a clearer picture of Mr Joe Gumede.

ADV PAUL PRETORIUS SC: Just please record what minute and second reading?

MR ANGELO AGRIZZI: We are now 1:57.

ADV PAUL PRETORIUS SC: And it is just before that.

MR ANGELO AGRIZZI: Yes.

20 **ADV PAUL PRETORIUS SC**: That one sees the scene where you say there is a clearer picture?

MR ANGELO AGRIZZI: Would you like me to rewind it again?

ADV PAUL PRETORIUS SC: No it is okay, the pictures become clearer later.

MR ANGELO AGRIZZI: Okay.

ADV PAUL PRETORIUS SC: So we can move on.

MR ANGELO AGRIZZI: Okay, thank you Chair.

ADV PAUL PRETORIUS SC: Who is that person at 1:57, standing next to empty shelves?

MR ANGELO AGRIZZI: That is Mr Papa Leshabane.

ADV PAUL PRETORIUS SC: Who is he? Who was he at the time?

MR ANGELO AGRIZZI: Papa Leshabane, he was the spokesperson, he was also the director for Kgwerano Fleet Management and he sits on the main board.

ADV PAUL PRETORIUS SC: Spell that please Kgwerano.

MR ANGELO AGRIZZI: Kgwerano (spelt). If I may add Chair, they provide vehicles
10 to Government on the SMS scheme.

CHAIRPERSON: The vehicles being provided by Bosasa companies to Government officials.

MR ANGELO AGRIZZI: Correct.

CHAIRPERSON: Being those vehicles would be given to Government officials on the basis of them being donations or just for use for a certain period of time and return them after some time?

MR ANGELO AGRIZZI: Correction from my side Chair, those vehicles was a contract that Kgwerano had with the Department of Transport, it was valued at about 14 million, 15 million per month and it was to supply the management of
20 Government, various management on a scheme where we would do all the maintenance of the vehicle over that period. So it was a contract that was awarded, that is what Kgwerano is.

CHAIRPERSON: Oh they were not themselves bribes, it was a contractual thing.

MR ANGELO AGRIZZI: No.

CHAIRPERSON: Ja okay, thank you.

ADV PAUL PRETORIUS SC: Do not move on please. If you look carefully in his left hand, the person you have identified as Mr Leshabane, appears to be speaking on the phone.

MR ANGELO AGRIZZI: Correct.

ADV PAUL PRETORIUS SC: On a cell phone.

MR ANGELO AGRIZZI: Correct.

ADV PAUL PRETORIUS SC: In his other hand or somehow attached to him or next to him, behind him what are those items?

MR ANGELO AGRIZZI: Those Chair, are two full bags of cash.

10 **CHAIRPERSON**: Those, the items we are now talking about, the items that seems to, I do now know whether protrude is the right word, on his left-hand side, those are the items we are talking about.

MR ANGELO AGRIZZI: Correct.

ADV PAUL PRETORIUS SC: You see them again. Oh sorry you must say yes or no because ...[intervenes].

MR ANGELO AGRIZZI: Sorry Chair, yes.

ADV PAUL PRETORIUS SC: The record will not pick up the nod.

CHAIRPERSON: And those bags are the ones that you told us about, which were used for cash for bribed?

20 **MR ANGELO AGRIZZI**: Correct Chair.

CHAIRPERSON: Thank you.

ADV PAUL PRETORIUS SC: And it is on that basis that you conclude that there is money in them because obviously one cannot see what is in them on the video.

MR ANGELO AGRIZZI: The reason I conclude that there is money in them Chair, is because number one I know the system, number two the bags were on the safe,

number three the case was on the table and number four, it is being carried out. There is nothing else that you carry out in a bag like that.

CHAIRPERSON: You have just sequenced the events, you said number one up to four, I take it that what you mean is that when we see him carrying those bags as we see him now, it was – that is part of a process that started with Mr Gavin Watson at the desk or is it a different occasion? In other words cash gets taken out of the safe and then that is one, then there is two, there is three, there is four? In other words is that what you are saying, it is connected to that process or to Mr Gavin Watson when we saw him sitting at the desk or it is the same sequence but this might have been a
10 different occasion?

MR ANGELO AGRIZZI: Chair if I can elaborate as well. Number one would be the delivery of the cash. Number two would be packing and reconciling into the safe. Number three would be notifying from either director that they are coming to collect cash. Number four would be to count the cash with the person packing the bag. Number five would be for the person to take the cash and to go and deliver it. Number 6 would be the delivery.

CHAIRPERSON: Thank you very much.

ADV PAUL PRETORIUS SC: And as I understand it you are saying that the scenes you have described as they appear on the video, are consistent with the system of
20 which you are fully aware and which you conducted yourself?

MR ANGELO AGRIZZI: Correct.

ADV PAUL PRETORIUS SC: Would you play through then to 2 minutes 16 seconds, and if there is anything in that period that you wish to highlight to the Chair please stop and do so.

MR ANGELO AGRIZZI: Okay.

CHAIRPERSON: Oh before, I am sorry Mr Agrizzi just before you move on I think I just want to have this clarified but I think you have said it but I want to be sure about it. Are you able to say throughout the time that you were employed at Bosasa, whether both the times when it was called Dyambu and when it was called Bosasa, throughout that time you have never seen these bags carrying anything other than bribes?

MR ANGELO AGRIZZI: Chair, I can confirm that.

CHAIRPERSON: And that is a period spanning close to?

MR ANGELO AGRIZZI: 19 Years.

10 **CHAIRPERSON**: 19 Years, so it is highly unlikely that anybody can say it was used to carry anything else?

MR ANGELO AGRIZZI: Chair, they are very identifiable.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: And they are probably the size of an A4 envelope.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: Or bigger on the side.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: People might say well is it not a courier bag.

CHAIRPERSON: Yes.

20 **MR ANGELO AGRIZZI**: Because you used a courier. These were specific bags.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: That were bought only for that reason.

CHAIRPERSON: Thank you very much.

ADV PAUL PRETORIUS SC: Carry on please. You do hear some sounds on the soundtrack of the video that might be familiar to you, I do not know if you want to

comment on those but please continue.

MR ANGELO AGRIZZI: Chair if – it would assist if I could just chip in when I see something I would appreciate it.

CHAIRPERSON: Yes, yes, yes please feel free to do so.

MR ANGELO AGRIZZI: If Adv Pretorius is okay with that.

CHAIRPERSON: Yes. Ja, ja.

MR ANGELO AGRIZZI: Okay the sound you are hearing is the typical sound of opening up the box with the cash in it. It is the tape on the box that is being pulled, the duct tape.

10 **CHAIRPERSON**: Thank you.

ADV PAUL PRETORIUS SC: Carry on please.

MR ANGELO AGRIZZI: I would just like to stop there. On the left you will see the drop safe which had the aperture in it.

ADV PAUL PRETORIUS SC: The olive green safe you spoke about earlier?

MR ANGELO AGRIZZI: Correct.

ADV PAUL PRETORIUS SC: Is it the same safe?

MR ANGELO AGRIZZI: It is the same safe. On the top of the safe you will see plastic envelopes that I spoke about, the bags, and that is one of the safe doors. Now normally they would be filled, you know one safe would be filled the other one
20 would be empty that is why there is two safes and the drop safe. We would have to drop money in the drop safe if Gavin was not there.

CHAIRPERSON: Ja.

MR ANGELO AGRIZZI: Okay.

CHAIRPERSON: Ja.

MR ANGELO AGRIZZI: Alright, I do not see unfortunately, any of my books there

although if you look at the bottom, as a matter of fact I do see one of my black books, if you look the bottom Chair, on the bottom ...[intervenes].

CHAIRPERSON: Oh the bottom shelf?

MR ANGELO AGRIZZI: [Indistinct 13:03] the safe.

CHAIRPERSON: The bottom shelf.

MR ANGELO AGRIZZI: You see there is a black book.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: With a yellow kind of goldish lining.

CHAIRPERSON: Yes.

10 **MR ANGELO AGRIZZI**: That is one of my black books.

CHAIRPERSON: Right at the bottom shelf?

MR ANGELO AGRIZZI: Correct.

ADV PAUL PRETORIUS SC: There are two safes visible on the screen at the moment.

MR ANGELO AGRIZZI: Yes.

ADV PAUL PRETORIUS SC: You are talking about the shorter one?

MR ANGELO AGRIZZI: Talking about the shorter one. If you look at the safe it has got three shelves, the floor, on the floor of that safe you will see a little black book.

CHAIRPERSON: Yes.

20 **MR ANGELO AGRIZZI**: Can you see it?

CHAIRPERSON: Mm.

MR ANGELO AGRIZZI: My books are very distinctive, they are black books which I – my family, my kids buy me for Christmas, they buy me the big ones and the small ones. I do not normally use the small ones for myself. I think I do have one here I can show you, but that is one of the black books in the safe.

ADV PAUL PRETORIUS SC: Do you see it at floor level in the safe?

MR ANGELO AGRIZZI: Yes.

CHAIRPERSON: Thank you.

MR ANGELO AGRIZZI: The timing on that is 2 minutes and 4 seconds.

ADV PAUL PRETORIUS SC: Just pause there for a moment please. Would you please tell the Chair what is a drop safe?

MR ANGELO AGRIZZI: Chair, a drop safe ...[intervenes].

ADV PAUL PRETORIUS SC: What purpose does it serve?

MR ANGELO AGRIZZI: The drop safe is a safe that has a small aperture in it and it
10 has got a flap so that you cannot retrieve out of it but you can drop into it. So often I
would have to, if Mr Watson was not around, because he was the only one who had
a key for the safes, if he was not around I would have to go and drop money into the
drop safe and he would then take it out of the drop safe and pack it in the other
safes when he was around. I would always make sure the company secretary had
the keys for the safe, for the vault. I would be able to get into the vault and then
place the money in the long drop safe.

ADV PAUL PRETORIUS SC: And you have an anecdote to tell, I believe, about how
easy it was to protect your hands or otherwise.

MR ANGELO AGRIZZI: My hands are pretty bruised from all the years of dropping
20 money in the drop safe Chair. Because I do not know if you recall there was a
television programme Open All Times, with a British programme, with a till that they
battled to close, they would always catch their fingers and that was the anecdote.

CHAIRPERSON: Now the money that you would drop in the drop safe.

MR ANGELO AGRIZZI: Yes.

CHAIRPERSON: Would it be money that was coming from the banks, that had been

withdrawn from the banks, which would later on be used as bribe money or coming from other Bosasa entities or from where cash could be obtained?

MR ANGELO AGRIZZI: Chair, we cover the cash later on, I cover it in my affidavit but I can tell you that initially in the early, early years yes, cash was drawn from the banks but then it just got too much and too much and it would come from cross border, it would come from, I believe from Zimbabwe from sales from someone else and some would come from betting houses.

ADV PAUL PRETORIUS SC: Chair if I may say at this stage the obtaining of cash and related laundering of money is thoroughly dealt with further on in the statement.

10 There were various sources of cash.

CHAIRPERSON: No, I was just wondering where it was coming from because I was doubting that it could be coming from the banks.

ADV PAUL PRETORIUS SC: Yes you are correct.

CHAIRPERSON: Okay, alright thank you.

ADV PAUL PRETORIUS SC: Alright.

MR ANGELO AGRIZZI: Can I continue?

ADV PAUL PRETORIUS SC: Proceed please. Is that Gavin Watson there that has just been shown?

MR ANGELO AGRIZZI: That is correct.

20 **ADV PAUL PRETORIUS SC**: At what timing?

MR ANGELO AGRIZZI: That was at 02:07, sorry my correction Chair, 02:05.

ADV PAUL PRETORIUS SC: And is he carrying anything?

MR ANGELO AGRIZZI: He is carrying what looks like is money.

ADV PAUL PRETORIUS SC: Is there a possibility of getting that any clearer?

MR ANGELO AGRIZZI: I can.

ADV PAUL PRETORIUS SC: Are you able to confirm what you saw in that clip?

MR ANGELO AGRIZZI: Yes I am.

ADV PAUL PRETORIUS SC: There at that point.

MR ANGELO AGRIZZI: That is right yes.

ADV PAUL PRETORIUS SC: What point on the video is that?

MR ANGELO AGRIZZI: That is 02:05.

ADV PAUL PRETORIUS SC: And ...[intervenes].

MR ANGELO AGRIZZI: If you give me a second I will tell you how much more or less it would be. That is 50, that is R100 000.

10 **CHAIRPERSON**: Tell us how you can tell.

MR ANGELO AGRIZZI: Chair because I used to ...[intervenes].

CHAIRPERSON: Oh you did a lot of these?

MR ANGELO AGRIZZI: It was part of my job. In the one hand you will see there is three elastic bands, small elastic bands there then there is one, two, three [indistinct 13:08:42] piles then you have got two smaller piles of R5 000 each. A pile would contain 10 000 and we would pack, as a rule five together with one elastic band around it. If you have a look there the elastic band is around it on the bottom one, on the top one the elastic band has actually come loose.

20 **CHAIRPERSON**: Okay thank you. So Mr Watson is carrying money and you are able to say exactly how much it is?

MR ANGELO AGRIZZI: Yes.

CHAIRPERSON: Ja alright, thank you.

ADV PAUL PRETORIUS SC: If you play onto 2:16 will hear some words spoken by a particular individual and I would like to ask you to stop there and tell the Chair what you see and hear, but if there is anything between 2:05 and 2:16 that you feel you

want to comment on please feel free to do so.

MR ANGELO AGRIZZI: Chair, I just want to mention I cannot see the time on those screens but I can see the time on this screen so I might miss it and then – but I will then go back.

CHAIRPERSON: Ja that is fine.

MR ANGELO AGRIZZI: Thank you, alright.

CHAIRPERSON: That is fine.

ADV PAUL PRETORIUS SC: Sorry stop there please. Stop there please. Someone is speaking in a language, do you recognise it?

10 **MR ANGELO AGRIZZI**: Correct, the language is English, Joe Gumede is basically speaking to Gavin Watson and Papa Leshabane is on his cell phone speaking either Xhosa or Tswana.

ADV PAUL PRETORIUS SC: Alright.

CHAIRPERSON: Well before that ...[intervenes].

ADV PAUL PRETORIUS SC: Where are you – I am sorry Chair.

CHAIRPERSON: Oh I am sorry. So is it correct that Mr Leshabane, Mr Joe Gumede and Mr Gavin Watson are in the same room?

MR ANGELO AGRIZZI: Correct.

20 **CHAIRPERSON**: So when we saw Mr Leshabane earlier on, where he was standing and seeming to be speaking on a cell phone and having on his left those bags of money that we talked about, he was in the same room that Mr Gavin Watson was at the same time and Mr Joe Gumede either was at the same time or later came into is that right?

MR ANGELO AGRIZZI: Chairperson we have got four people in the room.

CHAIRPERSON: Okay.

MR ANGELO AGRIZZI: There was Andries van Tonder.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: There was Joe Gumede.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: There was Gavin Watson.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: And Papa Leshabane.

CHAIRPERSON: Okay thank you. So now with the four people in the room, and now that we, well earlier on we saw cash on – money on Mr Watson's desk and now
10 we see Mr Watson carrying cash, and you have told us how much it is, based on your experience would Mr Gavin Watson's role be to take out the money and give to whoever, like Mr Leshabane who might have wanted to take it somewhere? In other words would he be the one who would count the money and say okay this is the money I am giving you to give to whoever you want to give to?

MR ANGELO AGRIZZI: Chair if I can respond to that, there was a list which I was responsible at the time. There was also a list that Gavin Watson was responsible for. He would do mostly the senior staff, where he would give them bonuses in cash every month and there were some that I would do, and Mr Watson would obviously do cash as well but the main, the bigger cash amounts would all be done by
20 Mr Watson.

CHAIRPERSON: Okay thank you.

ADV PAUL PRETORIUS SC: Let us go on please. We are now at 2:05 I understand.

MR ANGELO AGRIZZI: Chair if I can interrupt here, I do not want to make a point of anything but I think it is important we watch now because Papa Leshabane now

leaves the vault with the bags.

CHAIRPERSON: I am sorry just repeat that Mr Agrizzi?

MR ANGELO AGRIZZI: I said I did not want to interrupt but I just want to mention now that you will see Papa Leshabane leaves the vault with the bags.

ADV PAUL PRETORIUS SC: Yes just before ...[intervenes].

CHAIRPERSON: Yes.

ADV PAUL PRETORIUS SC: I am sorry Chair, just before that he leaves the bag, he leaves with the two bags, I understand it at 2 minutes 17 seconds. Just before that another person whom you have identified I think as Joe Gumede says
10 something, he mentions a figure, would you try and find that please?

MR ANGELO AGRIZZI: I will Chair.

ADV PAUL PRETORIUS SC: And you will see in the transcript, Annexure S4, halfway down the first page a transcript there of what our transcribers say is being said.

MR ANGELO AGRIZZI: Can I proceed?

ADV PAUL PRETORIUS SC: Yes please.

CHAIRPERSON: Before you proceed you have told us that there are four people in the room there.

MR ANGELO AGRIZZI: Correct Chair.

20 **CHAIRPERSON**: You have told us that over the 19 years or so that you worked for Bosasa these bags were used for nothing else but bribe money.

MR ANGELO AGRIZZI: Correct.

CHAIRPERSON: Now are you able to say very positively that each and every one of the four persons in that room knows exactly what this money is for? In other words nobody can claim that it is for something else. Are you able to say that very

positively?

MR ANGELO AGRIZZI: Chair, I am willing to say that extremely positively and to bet all the money that is in the safe on it as well.

CHAIRPERSON: Thank you. Yes you may proceed.

MR ANGELO AGRIZZI: Thank you.

ADV PAUL PRETORIUS SC: Stop there please. What did you hear there on the soundtrack?

MR ANGELO AGRIZZI: Johannes Gumede is asking for an extra R10 000.

ADV PAUL PRETORIUS SC: Carry on please.

10 **MR ANGELO AGRIZZI**: I just want to mention there, there you can actually see the bags and you can see that they have been packed pretty full. So ...[intervenes].

ADV PAUL PRETORIUS SC: Alright so you say that the soundtrack shows or has a statement that is audible, and the words 10 000 are clearly audible?

MR ANGELO AGRIZZI: Correct.

ADV PAUL PRETORIUS SC: Who to your know says that?

MR ANGELO AGRIZZI: Johannes Gumede.

ADV PAUL PRETORIUS SC: Do you recognise the voice?

MR ANGELO AGRIZZI: Clearly, we – Chair if I can add myself and Johannes Gumede had a very close relationship. We went on holidays together.

20 We went to Italy together. His kid came with us on driving expeditions. We were very, very close.

ADV PAUL PRETORIUS SC: So you know his voice?

MR ANGELO AGRIZZI: Yes I do.

ADV PAUL PRETORIUS SC: Alright now at the screenshot now visible on the video who is that? You see his arm but you have seen the scenes before and after.

MR ANGELO AGRIZZI: Chair, the arm is that of Johannes Gumede.

ADV PAUL PRETORIUS SC: And are you sure of that?

MR ANGELO AGRIZZI: The arm of the person in this position is Johannes Gumede and the person behind Johannes Gumede is Papa Leshabane leaving the safe.

ADV PAUL PRETORIUS SC: And what do you see at the bottom of the screen?

MR ANGELO AGRIZZI: At the bottom of the screen I see two moneybags full.

ADV PAUL PRETORIUS SC: Alright, okay.

CHAIRPERSON: I am sorry I do not see the bottom of the screen that has got – I see what appears to be some boxes in the second shelf from the top, is that what
10 you are talking about?

MR ANGELO AGRIZZI: No Chair, if you look, if you count the shelves down, one down.

CHAIRPERSON: The one ...[intervenes].

MR ANGELO AGRIZZI: There are three shelves.

CHAIRPERSON: Ja.

MR ANGELO AGRIZZI: And you look slightly across you will see a grey bag, there is two grey bags together and there is some writing on the grey bags.

CHAIRPERSON: Okay the one that he seems to be carrying?

MR ANGELO AGRIZZI: Yes.

20 **CHAIRPERSON**: Oh okay, those must – but did you say that is Mr Gumede?

MR ANGELO AGRIZZI: Mr Gumede is in the front.

CHAIRPERSON: That is Mr Leshabane?

MR ANGELO AGRIZZI: Behind him is Mr Leshabane.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: If I can rewind it by a few seconds.

CHAIRPERSON: Yes, yes.

MR ANGELO AGRIZZI: I will show you.

CHAIRPERSON: Okay can I ask you something else? I see that Mr Gavin Watson, Mr Joe Gumede and Mr Leshabane are all wearing what appears to me to be grey shirts. I do not know if the pants are dark. Was that they uniform or what?

MR ANGELO AGRIZZI: Chair the uniform was a blue shirt with a tie. It is all blue shirts. We wore uniforms as a company. I wear my blue shirt, I can show you.

CHAIRPERSON: Okay is what I call grey, blue? That is blue?

MR ANGELO AGRIZZI: That is French blue.

10 **CHAIRPERSON**: Okay, alright thank you. So it was uniform?

MR ANGELO AGRIZZI: Yes.

CHAIRPERSON: Okay.

MR ANGELO AGRIZZI: I will wear one tomorrow if you would like me to.

CHAIRPERSON: No, no it is okay thank you.

ADV PAUL PRETORIUS SC: Mr Agrizzi then at 2:16, 2 minutes 16 seconds and at 2 minutes 17 seconds, you have testified that you hear Mr Joseph Gumede say 10 000, and you have testified that you see Mr Leshabane with two bags behind his back.

MR ANGELO AGRIZZI: That is correct Chair.

20 **ADV PAUL PRETORIUS SC**: If you would play through to 2 minutes 24 seconds, and again if there is anything in that sequence that you wish to draw to the Chair's attention please do so.

MR ANGELO AGRIZZI: Will do Chair.

ADV PAUL PRETORIUS SC: Alright, who is speaking at this stage?

MR ANGELO AGRIZZI: Johannes Gumede is speaking.

ADV PAUL PRETORIUS SC: Alright, and if you look at the transcript, that is Exhibit S4, and in the middle of the page you see words attributed on the transcript to Joe Gumede. By listening to the video soundtrack and by referring to the transcript, which you can accept for present purposes is more or less correct, would you tell the Chair what is being said at that stage?

MR ANGELO AGRIZZI: Chair can I – sorry could you repeat that for me please?

ADV PAUL PRETORIUS SC: Alright, Chair, I do not know if you want to play the video through and then take the short adjournment or whether you – so that the witness can just have a look at the video in the break, if you want to take the short
10 adjournment now.

CHAIRPERSON: I am easy. We – maybe it might be convenient to finish the video. I am not sure. I have a better idea of how long ...[intervenes].

ADV PAUL PRETORIUS SC: We will be a while.

CHAIRPERSON: Will be a while.

ADV PAUL PRETORIUS SC: Because the scenes that come later may require more attention.

CHAIRPERSON: Okay you would suggest we take the adjournment now?

ADV PAUL PRETORIUS SC: I do. It will give the witness a chance to ...[intervenes].

20 **CHAIRPERSON:** Ja.

ADV PAUL PRETORIUS SC: Look at the words or hear the words being said and to look at the words being said and then tell you.

CHAIRPERSON: Yes.

ADV PAUL PRETORIUS SC: When we reconvene, what has happened at this stage on the video.

CHAIRPERSON: Okay we will take the tea adjournment and we will resume at 11:30. We adjourn.

REGISTRAR: All rise.

HEARING ADJOURNS

HEARING RESUMES

CHAIRPERSON: Yes Mr Pretorius.

ADV PAUL PRETORIUS SC: Before we continue with the video, Mr Agrizzi has expressed to me a concern that he wishes to relay to you.

CHAIRPERSON: Yes.

10 **ADV PAUL PRETORIUS SC**: I know something of it but I think it best that he relays it to you directly.

CHAIRPERSON: Yes thank you. Mr Agrizzi?

MR ANGELO AGRIZZI: Thank you very much Chair, thank you Adv Pretorius. Chair, I just need to relate something that happened and I did not want to say anything until everything had been verified.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: As you know I have been receiving numerous threats and that type of thing. About four years ago I employed a gentleman from the SAPS, he was in the special team of the SAPS I was told, his name was either Captain or
20 Colonel Solomon Segale.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: He left the police force and he joined Bosasa and we used him in security. I did not deal too much with him because he reported to one of the directors Johannes Gumede directly, and to Gavin Watson directly. He subsequently was made a director of one of the companies. I was a bit concerned yesterday but I

was not sure of my facts.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: That he – when I went for the lunch break he was standing outside with a group of policemen. They were in uniform, he was not.

CHAIRPERSON: Oh.

MR ANGELO AGRIZZI: I then asked to verify.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: Because I did not just want to make an allegation.

CHAIRPERSON: Yes.

10 **MR ANGELO AGRIZZI**: He was most definitely here.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: And to me it is concerning.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: That they report to me as well that he did not go through the normal accreditation.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: And he slipped in on his old police ID card.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: So that is concerning.

20 **CHAIRPERSON**: Yes. No thank you very much Mr Agrizzi for bringing that to my attention. Mr Pretorius will you direct some members of the legal team to be in touch with – or the secretary, I see Reverent Stimela is here.

ADV PAUL PRETORIUS SC: I have received a report.

CHAIRPERSON: Yes.

ADV PAUL PRETORIUS SC: Chair, and I am aware that investigations are

underway.

CHAIRPERSON: Yes.

ADV PAUL PRETORIUS SC: And a full report will be produced by the Commission's security personnel.

CHAIRPERSON: Yes and is somebody attending immediately to tightening the security in terms of people coming in and out, or coming to the hearings in terms of what they show and so on?

ADV PAUL PRETORIUS SC: Chair, the security is as tight ...[intervenes].

CHAIRPERSON: Is tight ja.

10 **ADV PAUL PRETORIUS SC**: As can be.

CHAIRPERSON: Yes.

ADV PAUL PRETORIUS SC: But there are obviously occasions on which it can be avoided or evaded.

CHAIRPERSON: Yes.

ADV PAUL PRETORIUS SC: And this appears to be one of those occasions.

CHAIRPERSON: Yes.

ADV PAUL PRETORIUS SC: Mr Agrizzi says a police card ...[intervenes].

CHAIRPERSON: Was used.

ADV PAUL PRETORIUS SC: An expired police card was used.

20 **CHAIRPERSON**: Ja.

ADV PAUL PRETORIUS SC: For the person to gain entry.

CHAIRPERSON: Yes.

ADV PAUL PRETORIUS SC: There may be more evidence about the role and function of that particular person in Bosasa's history.

CHAIRPERSON: Yes.

ADV PAUL PRETORIUS SC: But perhaps we should investigate fully and verify the allegations fully before reporting to you as a legal team, but we will do so.

CHAIRPERSON: Yes okay please do that and whatever steps, additional steps may be taken to minimise the prospects that somebody could go through the system using something that is not legitimate should be looked into.

ADV PAUL PRETORIUS SC: Yes Chair.

CHAIRPERSON: Ja and ...[intervenes].

ADV PAUL PRETORIUS SC: But ...[intervenes].

CHAIRPERSON: And then at some stage, it is just that I do not know at what stage
10 the report from that investigation will be avail but it will be important that Mr Agrizzi also gets to know what the investigation into that incident discovered. Okay thank you.

ADV PAUL PRETORIUS SC: I take notes of your comments Chair.

CHAIRPERSON: Yes thank you very much. Thank you Mr Agrizzi.

MR ANGELO AGRIZZI: Thank you Chair.

CHAIRPERSON: Thank you.

ADV PAUL PRETORIUS SC: Just bear with me a moment thank you Mr Agrizzi. The video that is now being shown or the particular frame of the video that is now being shown, where is that in time terms?

20 **MR ANGELO AGRIZZI**: I will put it up on the board. It is 02:16.

ADV PAUL PRETORIUS SC: Right. Is it possible to keep that indicator on? No, only when it is stationary. Alright, at around this time 2:16 the person you have identified or the voice you have identified as that of Mr Joseph Gumede, is audible. Have you checked what is said on the transcript with what is audible on the soundtrack of the video?

MR ANGELO AGRIZZI: Yes Chair I have checked but if I may just add when I mentioned earlier, it just came to my memory now, when I mentioned earlier the grey bags for cash, the grey bags were only used for cash, sometimes there were certain people in the staff, which I mention later on in my affidavit, which get cash as well, those we put also into grey bags just so that you are aware of it.

CHAIRPERSON: Are you seeking to draw a distinction between maybe different uses of the grey bags now or not really? I am trying to understand the point.

MR ANGELO AGRIZZI: Sorry Chair what I am trying to say is that I was not 100% correct when I said to you grey bags only get used for bribes.

10 **CHAIRPERSON**: Oh I see.

MR ANGELO AGRIZZI: Grey bags are used to pack – we used to give certain staff members that had to keep quiet about the cash, we used to give them an amount of 10, R20 000 each. Later in the video you will actually hear it, and we used to put their money in grey bags as well. Just for clarity purposes.

CHAIRPERSON: Yes. Yes but the money that you are talking about that you would give to them.

MR ANGELO AGRIZZI: Yes.

CHAIRPERSON: Was also unlawful was it not, bribes?

MR ANGELO AGRIZZI: Yes it was.

20 **CHAIRPERSON**: So it is just that they were – it was not money to be bribe money to be paid to outsiders, it was being paid to personnel within the company?

MR ANGELO AGRIZZI: Correct, I just wanted to make that clear because I am still under oath.

CHAIRPERSON: Yes, yes.

MR ANGELO AGRIZZI: So I just wanted to make that clear.

CHAIRPERSON: Yes. No, no, no, thank you for that.

ADV PAUL PRETORIUS SC: Well I have been informed that perhaps what we should do is remind the witness on each occasion that we resume after an adjournment, that the witness is still under oath.

CHAIRPERSON: Well it might not be necessary to remind him all the time provided now he – I inform him that until you finish your evidence, whether it is today, tomorrow or Monday or next week or whatever time, until you finish it you are under the same oath that you took at the beginning.

MR ANGELO AGRIZZI: I fully accept that judge.

10 **CHAIRPERSON**: Yes.

MR ANGELO AGRIZZI: Oh sorry Chair.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: My wife has reminded me a few times as well.

CHAIRPERSON: Yes, no that is fine. It is important to just mention so that there is no misunderstanding that that oath applies throughout. Thank you.

ADV PAUL PRETORIUS SC: Perhaps we should just summarise then your evidence in relation to firstly the use of cash and secondly the use of the grey security bags. In relation to cash, and we have seen that cash and we will see more on this video, what was the use of cash?

20 **MR ANGELO AGRIZZI**: The use of cash was from the safe, was used predominantly for illegal activities.

ADV PAUL PRETORIUS SC: In short bribes as you have described it?

MR ANGELO AGRIZZI: Correspondence.

ADV PAUL PRETORIUS SC: The use of the grey security bags?

MR ANGELO AGRIZZI: Was used to pack the cash in that was used for bribes.

ADV PAUL PRETORIUS SC: And paid both internally and externally, external to the company?

MR ANGELO AGRIZZI: Internally and externally.

ADV PAUL PRETORIUS SC: You have also mentioned the word bonus yesterday and today.

MR ANGELO AGRIZZI: Yes.

ADV PAUL PRETORIUS SC: Now if someone was to come along and testify that your evidence is entirely fabricated and that all of this cash was packed in grey security bags and given as bonuses, as part of employees' terms and conditions of employment what would your response be?

MR ANGELO AGRIZZI: Why not just put it on our payroll?

ADV PAUL PRETORIUS SC: Right, but factually ...[intervenes].

MR ANGELO AGRIZZI: Sorry what I can add to that ...[intervenes].

ADV PAUL PRETORIUS SC: Would it be correct or factually incorrect?

MR ANGELO AGRIZZI: If I can add to that Chair?

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: We used to pay 15% premium to get the cash because the cash was laundered.

CHAIRPERSON: Yes.

20 **MR ANGELO AGRIZZI:** So if you wanted to pay bonuses it would be better, safer and more cost effective to do it via the payroll system.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: When I was referring to bonuses I should have used the word bribe.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: Because what we are actually doing is we are bribing the people to keep quiet about the corruption.

CHAIRPERSON: But you were using the word bonus because that is the word that was being used in Bosasa in regard to those particular ones?

MR ANGELO AGRIZZI: Correct, some of the words used are, and they stuck in my mind after 19 years.

CHAIRPERSON: Ja, ja, ja.

ADV PAUL PRETORIUS SC: Alright shall we go back to the video then?

CHAIRPERSON: I am sorry, you, in response to one, the first question from
10 Mr Pretorius in this set of questions that he has just finished you refer to some bags being used predominantly for bribes. Are there two types of bags that you are distinguishing between here?

MR ANGELO AGRIZZI: Chair what I was trying to distinguish was that these are not courier bags.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: There is courier bags that are used to courier and strangely enough they are also grey but they are not the same. They are much bigger and much thinner. You can actually distinctly see them. It is a pity that I cannot get a bag to show you and you can see the difference.

20 **CHAIRPERSON**: Ja no, let me just make sure. I just want to make sure I – most of the time, if not all the time when we have spoken, when you have spoken about bags and money since yesterday, you have spoken about the grey bags that are not transparent.

MR ANGELO AGRIZZI: Correct.

CHAIRPERSON: Now earlier on you said in the 19 years or so that you were at

Bosasa, those bags were never used for anything other than bribe money.

MR ANGELO AGRIZZI: Correct.

CHAIRPERSON: You stand by that?

MR ANGELO AGRIZZI: I stand by that.

CHAIRPERSON: Okay. Now in the first question of the last set of questions that Mr Pretorius asked you, you referred, you said something about predominantly, something being predominantly used for bribe money. Were you referring to the same bags, the grey bags or was it a different type of bag?

MR ANGELO AGRIZZI: Chair the grey bags.

10 **CHAIRPERSON**: Yes.

MR ANGELO AGRIZZI: What I meant and what I think I said was that the bags would be used for bribe money. I was confused when I said that the staff that get bonuses also get them in the grey bags. You clarified it for me very nicely to say was it lawful or illegal.

CHAIRPERSON: Yes, yes.

MR ANGELO AGRIZZI: And that cleared it up for me.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: That those brown, those grey bags are only used for bribes.

CHAIRPERSON: Oh okay, okay, okay. So that answer stands?

20 **MR ANGELO AGRIZZI**: Yes.

CHAIRPERSON: Thank you.

ADV PAUL PRETORIUS SC: So as I understand, if we may just summarise, cash in grey security bags are used for bribes?

MR ANGELO AGRIZZI: Correct.

ADV PAUL PRETORIUS SC: Predominantly to bribe officials outside of the

company?

MR ANGELO AGRIZZI: Correct.

ADV PAUL PRETORIUS SC: But also to, as you termed, bribe people within the company to keep silent?

MR ANGELO AGRIZZI: That is correct.

CHAIRPERSON: Thank you.

ADV PAUL PRETORIUS SC: Alright shall we go back please then to 2:16 on the video, 2 minutes 16 seconds where you hear the person you have identified as Mr Gumede using the words 10 000?

10 **MR ANGELO AGRIZZI**: Correct, can I press play?

ADV PAUL PRETORIUS SC: Please play it and then if you would tell the Chair what is being said in relation to the transcript.

MR ANGELO AGRIZZI: If I could just make it a bit louder, I do not think the voice is coming through, or could I put this ...[intervenes].

CHAIRPERSON: Yes do that.

MR ANGELO AGRIZZI: Perhaps here.

ADV PAUL PRETORIUS SC: I have thumbs up from the ...[intervenes].

MR ANGELO AGRIZZI: Oh okay.

ADV PAUL PRETORIUS SC: Audio controllers.

20 **MR ANGELO AGRIZZI**: Alright.

ADV PAUL PRETORIUS SC: Okay the last words which are audible clearly are the words "so I am just" and if one looks at the transcript under the name Joe Gumede, page 2 of Exhibit S4 you will see at the beginning the word with the numbers 10 000 and the words at the end of that section of the transcript "so I am just". Can you tell the Chair what is said? And you may refer to the transcript if you wish, between

those two words.

MR ANGELO AGRIZZI: Basically what was said is I need R10 000 to buy two remotes for ACSA because they have got cargo gates and he wants panic buttons, the remotes for panic buttons that will ring into the police control room.

ADV PAUL PRETORIUS SC: Alright. Now what the transcript says is less than that but you have been able to expand upon what the transcript says.

MR ANGELO AGRIZZI: Yes.

ADV PAUL PRETORIUS SC: And we will go back to the transcribers and see if we can get a better transcript but you have told the Chair that really this money,
10 according to Mr Gumede is for two remote controllers, R10 000 for two remote controllers. Will you comment please?

MR ANGELO AGRIZZI: It does not make sense because Chair, we have got an internal – not we have got, sorry they have got an internal fully fledged technology department that makes up remotes, gates and panic buttons and that type of thing, so I do not understand why they would buy two remotes, and I cannot understand why they would have a remote in the police offices as he says, it does not make sense to me at all.

CHAIRPERSON: Could it be a code language for something?

MR ANGELO AGRIZZI: It could very well be.

20 **ADV PAUL PRETORIUS SC**: Alright, so on the face of it R10 000 is requested in cash for payment for two remotes. What would the normal process be for procurement of equipment such as that?

MR ANGELO AGRIZZI: What would happen is that the unit leader, who is an operational person not a chairman of the company, would request on an order, a purchase order. He would have to write a motivation. When I was there he would

have to write me a motivation, attach a purchase order, three quotations and then I would then refer that to Sondolo IT at that time, and I would use a specific person to go out and see what the need was and to put in the proper system, especially if you are talking about cargo gates at the airport. I mean that is a serious place, and if you remember we had a raid at one of the cargo gates. You would follow proper processes to do it.

ADV PAUL PRETORIUS SC: Alright what is the cost, to your knowledge, well let us, before we ask you that, do you have experience of the items required in security installations? Do you have experience of the cost of those items?

10 **MR ANGELO AGRIZZI**: Most definitely.

ADV PAUL PRETORIUS SC: Alright. What do you say to the proposition that R10 000 is required for two remotes?

MR ANGELO AGRIZZI: Well just to give you an indication you can buy a remote transmitter and a receiver at Builders Warehouse, and you can buy it for about R300. So both would have maximum cost you R600 and if you put long life batteries in there probably about R700 in total maximum.

ADV PAUL PRETORIUS SC: What position in the company did Mr Gumede occupy at the time?

MR ANGELO AGRIZZI: Chairman.

20 **ADV PAUL PRETORIUS SC**: Is it normal for the chairman of the company to request from someone such as Mr Gavin Watson, cash to buy remotes for use at an installation where Bosasa is active?

MR ANGELO AGRIZZI: That is what is so strange about it Chair, is that normally he would just pick up the phone and phone and say I would like a system in and it would be done, and the other people would following the right processes.

ADV PAUL PRETORIUS SC: Well then the question that arises is according to your evidence all four persons in the room, the vault at the time, knew what was going on. Why would it be necessary to say things like this, which on your version at least are highly improbable?

MR ANGELO AGRIZZI: I cannot understand it either. I am sorry, I cannot answer that question. I am not ...

ADV PAUL PRETORIUS SC: Well perhaps Mr Gumede would assist us at some stage. Would you continue then with the video and please be aware of our invitation to stop at any stage.

10 **MR ANGELO AGRIZZI:** I just want to mention that there is no – I cannot view the time here anymore so I will try and count it out.

ADV PAUL PRETORIUS SC: Oh okay.

MR ANGELO AGRIZZI: Where would you like me to stop?

ADV PAUL PRETORIUS SC: 2:24.

MR ANGELO AGRIZZI: Sorry Mr Chair, it does not show the time, it shows the last time of the last ...[intervenes].

ADV PAUL PRETORIUS SC: We can see the time now.

MR ANGELO AGRIZZI: No that is 2:16.

ADV PAUL PRETORIUS SC: Yes. If you would go on please. At 2:16 is where
20 Mr Gumede speaks.

MR ANGELO AGRIZZI: I would just like to see, it records the last time, it does not give the actual time.

ADV PAUL PRETORIUS SC: Alright.

MR ANGELO AGRIZZI: Can I make this suggestion Chair?

CHAIRPERSON: Ja.

MR ANGELO AGRIZZI: That I show – that I – you tell me at the scene, to stop at the scene.

ADV PAUL PRETORIUS SC: And not at the time.

CHAIRPERSON: Ja that should be fine.

ADV PAUL PRETORIUS SC: Stop there please. Someone leave the room, do you know who that is, or leaves the vault.

MR ANGELO AGRIZZI: The person that leaves the vault is Mr Johannes Gumede, the chairman of Bosasa or African Global. Could I just rewind it just a little bit please Chair?

10 **ADV PAUL PRETORIUS SC**: Yes.

MR ANGELO AGRIZZI: I would like to show you something.

CHAIRPERSON: Yes sure.

ADV PAUL PRETORIUS SC: On the screen now is Mr Gavin Watson.

MR ANGELO AGRIZZI: That is – well now you see Joe Gumede leaving the vault.

CHAIRPERSON: Yes, is he carrying something?

MR ANGELO AGRIZZI: Chair sorry I do not want to speculate. There is a spot there but I cannot speculate.

CHAIRPERSON: You cannot tell whether it is something he is carrying or something on the door?

20 **MR ANGELO AGRIZZI**: No, am going to try and see now.

CHAIRPERSON: Okay.

ADV PAUL PRETORIUS SC: We now have a frame by frame facility.

MR ANGELO AGRIZZI: Yes, you tell me where to stop.

ADV PAUL PRETORIUS SC: Stop there please. On top of the lower safe, can you see what is on top of that safe?

MR ANGELO AGRIZZI: Yes.

ADV PAUL PRETORIUS SC: What is that?

MR ANGELO AGRIZZI: It is money bags.

ADV PAUL PRETORIUS SC: Carry on.

MR ANGELO AGRIZZI: Empty ones. If you have a look at the bottom to the left of his hand you will see the book that I spoke about earlier.

ADV PAUL PRETORIUS SC: Alright, the lowest floor level shelf?

MR ANGELO AGRIZZI: Yes.

ADV PAUL PRETORIUS SC: Of the safe yes. Okay I think it is useful if you go
10 frame by frame now.

MR ANGELO AGRIZZI: Will do. Sorry just for indication purposes his initials Gavin Watson, are on his shirt, on his cuff.

CHAIRPERSON: Oh okay.

ADV PAUL PRETORIUS SC: Okay carry on please.

MR ANGELO AGRIZZI: Chair, there you can clearly see the black book at the bottom.

CHAIRPERSON: *Ja*. Are you not going back now?

MR ANGELO AGRIZZI: Can I rewind and play.

ADV PAUL PRETORIUS SC: You going forward or you going back.

MR ANGELO AGRIZZI: I am going forward.

20 **ADV PAUL PRETORIUS SC**: Yes please. Although it takes more time, ultimately we will save time if you go frame by frame, because then we will not be going back and forth.

MR ANGELO AGRIZZI: Correct, but then you will not hear the transcripts.

ADV PAUL PRETORIUS SC: Okay.

MR ANGELO AGRIZZI: Perhaps we should just play it and then ...[Intervenes].

ADV PAUL PRETORIUS SC: Let us see what we see first. Frame by frame and then we can assess at that stage, what to do about the replaying with the audio.

MR ANGELO AGRIZZI: Will do Chair.

CHAIRPERSON: That is fine. *Ja*.

ADV PAUL PRETORIUS SC: The video continues to show the interior of the vault.
Correct?

MR ANGELO AGRIZZI: Correct. It will be stuck on here for quite some time because at this stage, I think they are busy packing.

ADV PAUL PRETORIUS SC: Well that is not a problem, because what comes is clear,
10 so let us just continue frame by frame. It may seem tedious at this stage, but it actually will save time, because we will not then have to search within the video.

CHAIRPERSON: That pace, is there something we can do nothing about?

MR ANGELO AGRIZZI: Nothing Chair.

CHAIRPERSON: Okay.

MR ANGELO AGRIZZI: There are 24 frames normally in a second, so I am having to click it 24 times in one second.

CHAIRPERSON: Okay.

MR ANGELO AGRIZZI: So it does take a while. Sorry, there is nothing else I can do.
This is where all the talking takes place.

20 **ADV PAUL PRETORIUS SC:** We need in any event to stop at 14:31 but you say that you cannot control it to that extent now.

MR ANGELO AGRIZZI: *Ja*.

ADV PAUL PRETORIUS SC: But go on please. Stop there please. Alright, can we turn up the volume there? Stop there.

CHAIRPERSON: Is that the best volume?

MR ANGELO AGRIZZI: [Indistinct].

ADV PAUL PRETORIUS SC: Well we are keeping people in suspense.

MR ANGELO AGRIZZI: Sorry.

ADV PAUL PRETORIUS SC: It is not deliberate for [Indistinct]. Perhaps what you could do is from the point that the counting what is apparently counting commences let it play and then we will come back to it and describe what is happening. Okay, just play it at ordinary speed from there through and we can go back for the detail please.

MR ANGELO AGRIZZI: Will do.

VIDEO PLAYING

10 **MR ANGELO AGRIZZI**: Excuse me Chair, you can hear Gavin is busy making up the notes, so Joe Gumede says he is coming back and he [indistinct] – Sorry that would have been the list that he would come back, because you can see the safe was empty, so they needed to refill and Joe says, 'I am coming back.'

CHAIRPERSON: Okay. Thank you.

VIDEO: UNKNOWN SPEAKER: [Indistinct] got one, two, three, four, five, six, seven, eight, nine, [Indistinct].

CHAIRPERSON: Who is counting there? Who is counting?

MR ANGELO AGRIZZI: Sorry, Andries van Tonder is counting. He is a very nervous type person, so he knows what he is doing is wrong, and he is trying to count it.

20 **CHAIRPERSON**: Okay.

MR ANGELO AGRIZZI: He is making mistakes.

ADV PAUL PRETORIUS SC: Stop there. That reference to monopoly money.

MR ANGELO AGRIZZI: Sorry it was a frequent reference by Mr Watson because it was – Cash was noting in the company. It was just money. It was paper. There was not regard ...[intervenes]

ADV PAUL PRETORIUS SC: The phrase monopoly money, by whom was it frequently used?

MR ANGELO AGRIZZI: By Mr Watson.

CHAIRPERSON: What is the significance of the monopoly part of it?

MR ANGELO AGRIZZI: The monopoly he referred to ...[intervenes]

CHAIRPERSON: In other words, is there any special meaning to be given? Why is he referring to it as monopoly money?

MR ANGELO AGRIZZI: I once asked him what is the meaning – Monopoly money mean and he said to me in phrases. He says:

- 10
1. it is just monopoly money, so we can get the monopoly and
 2. the other phrase was monopoly money, because it is just playing money.
- You are playing with people.

CHAIRPERSON: Yeah. Okay. Alright.

MR ANGELO AGRIZZI: Okay.

CHAIRPERSON: So monopoly in this sense being, you know Bosasa wanted to monopolise contracts. State contracts.

MR ANGELO AGRIZZI: Correct.

CHAIRPERSON: Thank you.

MR ANGELO AGRIZZI: Can I continue?

- 20
- CHAIRPERSON:** Yes you may continue.

VIDEO PLAYING

CHAIRPERSON: Did he say 5 million at some stage?

MR ANGELO AGRIZZI: No.

CHAIRPERSON: No. Okay.

ADV PAUL PRETORIUS SC: If you would just stop there. You hear one, two, three,

four, five and then you hear, 1 million. Just explain how that would come about, from your own experience?

MR ANGELO AGRIZZI: Okay, if I can explain, when you handle large amounts of cash like that, you have them in, as I said earlier, they wrap 50/50. So one bundle is 100, what they were actually doing was counting 100, 200, 300, 400, 500 but what he said was 1, 2, 3, 4, 5, so the rule was you packing 500s, 500 gives you 1 million.

CHAIRPERSON: 500 thousand.

MR ANGELO AGRIZZI: 500 thousand. So, if you hear the knocking on the table, that is a pack of a hundred being put down.

10 **CHAIRPERSON**: 100 thousand yeah.

MR ANGELO AGRIZZI: And if you count the knocks as well.

CHAIRPERSON: Yes. Okay. Thank you.

ADV PAUL PRETORIUS SC: Sorry, I am not sure if my maths coincides with yours. If there are five piles of 100 thousand each, that would not mean a million. If other notes were used?

MR ANGELO AGRIZZI: If there were... No, there were five stacks of a hundred. There was two X five, gives you a million. That is exactly what I meant.

ADV PAUL PRETORIUS SC: Alright.

20 **CHAIRPERSON**: And you remind us that when you say a hundred, you mean 100 thousand.

MR ANGELO AGRIZZI: Correct.

CHAIRPERSON: *Ja*. Thank you.

MR ANGELO AGRIZZI: Sorry it is imprinted in my mind.

ADV PAUL PRETORIUS SC: Well it becomes clearer later on if one had regard to the transcript on page 3 of EXHIBIT S4, but play on please.

MR ANGELO AGRIZZI: I will do.

ADV PAUL PRETORIUS SC: Alright. What does that show?

MR ANGELO AGRIZZI: That is a million rand exactly and I explained how it was packed. So that is a million rand.

CHAIRPERSON: So you are able to tell that that stack of what appears like 100 notes – R100 notes.

MR ANGELO AGRIZZI: Yes.

CHAIRPERSON: Is actually a million.

MR ANGELO AGRIZZI: It is a million.

10 **CHAIRPERSON**: Yes.

MR ANGELO AGRIZZI: If I can explain how do I calculate it.

CHAIRPERSON: You did earlier but maybe just do it again. It was not a million then, but just do it again.

MR ANGELO AGRIZZI: Okay. The mouse does not work on the screen hey. Can you see the mouse?

ADV PAUL PRETORIUS SC: Yes.

MR ANGELO AGRIZZI: Oh great. If you have a look at that, that is 50. So 50/50.

CHAIRPERSON: Yes.

20 **MR ANGELO AGRIZZI**: Is a hundred. The two 50s there. As I said, we always put them together, so it will make it 100, so on the top there you have got 200, so it 2. This was a full pack this 100 that there is 200 thousand. That is 50 there is a hundred and that there in total is 200 thousand.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: So that is 2, 4, 6 and I can see up to 8. I do not know where they packed the other 200 but that is how you can calculate it.

CHAIRPERSON: Yes. Okay.

MR ANGELO AGRIZZI: Just roughly. I think just from years and years of doing it, you just glance at this kind money and it is easy to count. It is not much in the bigger scheme of normal deliveries.

CHAIRPERSON: Yes.

ADV PAUL PRETORIUS SC: I am not sure where – Sorry Chair.

CHAIRPERSON: Yes. No, no. It is fine.

ADV PAUL PRETORIUS SC: I am not sure where in relation to the scenes depicted on the video this occurs, but two-thirds the way down on page 3 of the transcript, S4 you
10 will see attribute – The following words, attributed to Gavin Watson. 1, 2, 3, 4, 5, 6, 7,
8, 9, 10. Brother, one million exactly.

MR ANGELO AGRIZZI: Correct.

ADV PAUL PRETORIUS SC: Does that coincide with what you see or is it consistent with what you see?

MR ANGELO AGRIZZI: I think it is coming just after this. Yes. It is exactly the same Chair.

ADV PAUL PRETORIUS SC: And just before you move on please, behind the notes on the table, you see a plastic bag which is empty.

MR ANGELO AGRIZZI: Correct.

20 **ADV PAUL PRETORIUS SC**: That may well be the plastic bag that was seen earlier.

MR ANGELO AGRIZZI: Correct.

CHAIRPERSON: You have said that the security, grey security bags were used only for the bribe money.

MR ANGELO AGRIZZI: Correct Chair.

CHAIRPERSON: But, I would imagine that some of the money that was kept there

could be used as well for something other than bribe money for example, Mr Watson if he could take any money there and use it for personally or maybe even yourself or somebody else within the company if they needed some money they could also just take money from there or did that not happen?

MR ANGELO AGRIZZI: Chair, the only person ...[intervenes].

CHAIRPERSON: In other words we know that the bags were used only to – for the bribe money but was the money that was there used only for purposes of bribes or sometimes it was used just personally or to buy something in the company?

MR ANGELO AGRIZZI: Chair no, the money there was only for bribed. Mr Watson,
10 obviously it was his company alone, he was a shareholder, he could probably take money and ...[intervenes].

CHAIRPERSON: [Indistinct] yes.

MR ANGELO AGRIZZI: Use it for whatever he wants to.

CHAIRPERSON: Ja, ja.

MR ANGELO AGRIZZI: But we had a petty cash office.

CHAIRPERSON: Yes, yes.

MR ANGELO AGRIZZI: And that would be used to draw money.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: So that we have records.

20 **CHAIRPERSON**: Yes.

MR ANGELO AGRIZZI: I just want to add for clarity remember this money could not be claimed back as an expense.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: Once you had used it.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: That is why it would not be used for normal purchases.

CHAIRPERSON: Yes.

ADV PAUL PRETORIUS SC: Before you go on, you described earlier a drop safe into which cash would be deposited.

MR ANGELO AGRIZZI: Correct.

ADV PAUL PRETORIUS SC: By amongst others yourself from time to time.

MR ANGELO AGRIZZI: Correct.

ADV PAUL PRETORIUS SC: Who had access to that safe?

MR ANGELO AGRIZZI: Into the safe or into the vault?

10 **ADV PAUL PRETORIUS SC**: No, into the actual safe where the cash was kept.

MR ANGELO AGRIZZI: The keys for the actual safes were held by Gavin Watson and him alone.

ADV PAUL PRETORIUS SC: Thank you, carry on please.

CHAIRPERSON: Or the company secretary, you talked earlier on about the company secretary having keys, that would be to the vault but not to the safe.

MR ANGELO AGRIZZI: Hundred percent correct.

CHAIRPERSON: Thank you.

MR ANGELO AGRIZZI: If I can just expand, that is why there was a drop safe.

CHAIRPERSON: Yes.

20 **MR ANGELO AGRIZZI**: Because if there – because sometimes there was too much money.

CHAIRPERSON: Ja.

MR ANGELO AGRIZZI: To fit into the normal safe.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: And in the secretary's vault.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: You know R5 million in 100 or R200 notes is a lot of money.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: You would have to then transfer half or take some and just get it into the safe.

CHAIRPERSON: Yes. Now this money for bribes, was it only kept in Mr Gavin Watson's safe or was it – were there other safes also where this money was kept?

MR ANGELO AGRIZZI: Chairman there are other safes where money was kept.

10 Whether it was, if it was used again in the system but in total there are about eight vaults at Bosasa and sometimes money was kept in other vaults as well. When I was responsible to take over the security of it, I only used two vaults as a safety measure, and not the other vaults.

CHAIRPERSON: That would be the one which had Mr Gavin Watson's safe and another one, how do you describe the other one?

MR ANGELO AGRIZZI: The company secretary's vault.

CHAIRPERSON: Okay, did that one also have corruption money if I can call it that or that was just used for – whatever money was kept in that one was just legitimate money?

20 **MR ANGELO AGRIZZI**: That safe, the secretary's safe was to move money after it had been delivered, to hold it there until such time as Mr Watson was there to put the other money in the safe as long as we did not have to urgently drop it or anything like that. As a matter of fact it was called the oven. Mr Seopela gave it a very nice name, he said it was the oven and the bread must cool down. In other words the bread must get cold and then it will be moved out into the shop to distribute.

CHAIRPERSON: Now money that was kept for purposes of bribery, what kind of amounts on any one day would you say they would be talking about that will be kept there? Obviously it would not be this – well maybe not obviously but I assume it would not be the same every day but on average you – during the time that you were at Bosasa the lowest amount you ever became aware of on any particular day X millions or X hundreds of thousands and the maximum that you got to know at any one stage?

MR ANGELO AGRIZZI: Chair, I do know the answer and – but I do not want to speculate. I can actually go into one of the records if you do not mind.

10 **CHAIRPERSON**: Yes.

MR ANGELO AGRIZZI: During the break.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: And come back and then refer you to it if Adv Pretorius is okay with that.

CHAIRPERSON: No, that is in order. Ja that is in order, yes.

MR ANGELO AGRIZZI: Then I will give you accurate numbers and closing balances of what was in the safe.

CHAIRPERSON: Yes thank you.

ADV PAUL PRETORIUS SC: May we continue then Chair, with the video recording?

20 **CHAIRPERSON**: Yes, yes.

ADV PAUL PRETORIUS SC: He says ten brother, and he is going to say something else now if we play on. Alright please stop there. What is audible on the soundtrack, which is confirmed by the transcript, is that the person speaking, whom you have identified as Gavin Watson, says "one, two, three, four, five, six, seven, eight, nine, ten brother" and then one hears the words "one million exactly".

MR ANGELO AGRIZZI: Yes.

ADV PAUL PRETORIUS SC: Alright, is that consistent with your evidence and how you recall things happened?

MR ANGELO AGRIZZI: [Indistinct] million yes.

ADV PAUL PRETORIUS SC: We then hear someone say "alright, okay I will just – now we just get that six thousand that they still owe us". How would that come about, from your own experience and do you know factually what was being spoken about here?

MR ANGELO AGRIZZI: I do know factually what was spoken about and basically
10 what happened was there was no time to check money in the open on the street. It was a very dangerous process.

ADV PAUL PRETORIUS SC: Is this cash coming in?

MR ANGELO AGRIZZI: Cash coming in.

ADV PAUL PRETORIUS SC: Yes.

MR ANGELO AGRIZZI: So what would have to happen would be somebody would have to meet up with the supplier of the cash on the side of the road, normally it was at Lanseria, there is a petrol station there, they would meet up and the box of money would be transferred from a nondescript car into say for instance in this case Andries' car. There was no time to count it on the side of the road. So what would
20 happen is it would then be delivered to the office where it would be counted in the secretary's vault. From the secretary's vault, if you have a look at those, previously you saw those boxes in the vault, those are file holders but we would count in there. We would pack them and stack them in there, count it and then repack it into the box, duct tape over the box, then write the amount. Then you would be able to verify. Then the person who delivered would be phoned and said listen you were

R6 000 short on your previous delivery and they will be expected to fix it the following delivery. I think we go in later on how this whole process and a cash deal collection went and that will explain it more in depth.

ADV PAUL PRETORIUS SC: Alright so subject to what you will say later when you give more detail as to how cash was generated and received, for the moment you say that this reference to R6 000 is a short payment on someone who provided cash to Bosasa?

MR ANGELO AGRIZZI: Correct.

CHAIRPERSON: Now you did talk earlier on about money sometimes coming from
10 places such as Zimbabwe. When you refer to the supplier of money just as you have done a minute ago, would that supplier be somebody from within Bosasa who would have been given money by somebody from outside of Bosasa or could it also be – could that supplier who hands it over to somebody in the company, did you say on the side of the road on Lenasia, could that somebody be an outsider from Bosasa?

MR ANGELO AGRIZZI: The person who would deliver the money to a central point would be an outsider to Bosasa. The person collecting it would be normally Andries van Tonder.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: I did occasionally collect, but very seldom collect money as
20 well.

CHAIRPERSON: Okay thank you.

ADV PAUL PRETORIUS SC: Please go on. Stop there please. This is a clearer shot of what you referred to earlier in relation to what appears on the lower safe. Those, what appear to be plastic bags to which you have referred earlier, what are they?

MR ANGELO AGRIZZI: Those are the security bags. If you have a look here you see there is a yellow strip there, and you see there is a yellow strip, so it is a double seal that you put, you fold over but those are the actual security bags. They are about the size of an A4, a bit bigger than an A4 piece of paper.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: But they do fit quite a bit in.

CHAIRPERSON: Okay.

ADV PAUL PRETORIUS SC: Go on please.

MR ANGELO AGRIZZI: You will hear he asks "how much is Patrick".

10 **ADV PAUL PRETORIUS SC**: Alright, now – alright we hear – well play on and then we will go back to the transcript. Alright what you see on the screen once more is the person you have identified as Gavin Watson at the desk you have spoken about, with piles of money on the desk.

MR ANGELO AGRIZZI: Yes that is right.

CHAIRPERSON: To the extent that that stack of money might not be the same that we saw earlier on where you were able to tell us how much it is, could you – can you tell us how much that is?

MR ANGELO AGRIZZI: Sure, that is 150, 300, 450, sorry let me just check here. That there is 900 000.

20 **CHAIRPERSON**: Okay thank you.

ADV PAUL PRETORIUS SC: Alright continue please. Alright that then is the end of the video. Perhaps we can revert to the transcript to explain some of the conversation that took place in relation to yourself, Patrick and other persons mentioned.

MR ANGELO AGRIZZI: Would you like me to continue?

ADV PAUL PRETORIUS SC: No, I want to ask some questions please.

CHAIRPERSON: Ja before Mr Pretorius asks you some questions, how often would the safe need to be refilled, that is Mr Gavin Watson's safe need to be filled and at what intervals, if you are able to tell me?

MR ANGELO AGRIZZI: The intervals are weekly. So what would happen is on a Monday Gregg Lacon-Allin would send a message what is the order of chicken for today. So we would then say well we need to check with Gavin, and we check with Gavin and then let him know what the order would be but on average it was weekly that will be filled up, sometimes more frequently. Sometimes we would change it
10 and we would take a bulk order in of between five and six or sometimes over Christmas period it would even be more.

CHAIRPERSON: And are you able to say that maybe at a particular time the total number of people that were "looked after" monthly were – was X, maybe 20 maybe 50 at any particular time where you can remember, you say I think around that year at that time or just before you left the number would have been around a particular figure, people that were being paid cash monthly.

MR ANGELO AGRIZZI: Chair, if I may, I can give you the answer in a matter of 30 seconds. If I may just flip Annexures.

CHAIRPERSON: Yes, yes. You may do that.

20 **MR ANGELO AGRIZZI:** And if you could maybe guide me on which Annexure it is.

CHAIRPERSON: Or otherwise we can... Maybe we can... You can deal with that question after lunch. Maybe, so during the lunch break you can just check what you need to check.

MR ANGELO AGRIZZI: As it pleases you.

CHAIRPERSON: Ja, that is fine, together with the other question.

MR ANGELO AGRIZZI: *Ja.*

CHAIRPERSON: Do you remember the other one? You remember the other one.

MR ANGELO AGRIZZI: Yes.

CHAIRPERSON: Yes. Okay. Alright.

ADV PAUL PRETORIUS SC: Just for clarity for our sake Chair, the questions that need to be looked at are?

CHAIRPERSON: The first one was, at any... What was the total amount of money being kept in Mr Gavin Watson's safe on average and on any particular day. So I just wanted... Maybe he might be able to say, you know, normally about so much, but it
10 could go as high as whatever on a particular day. So that was the first one, which he will look at. Then the second one is, how regular they had to refill as it were, Mr Gavin Watson's safe with money for bribery.

MR ANGELO AGRIZZI: If I may ask you Chair, you also want to know how many people that actually benefited [Intervenues].

CHAIRPERSON: Oh yes, thank you. [Intervenues].

MR ANGELO AGRIZZI: From it.

CHAIRPERSON: Yes. How many people were being paid bribes at some stage, you know, like in a particular month, he might be able to talk maybe more for the time closer to when he left to say maybe 20 people, 50 people or whatever. Thank you.

20 **ADV PAUL PRETORIUS SC**: Right, we can then revert please to the transcript S4 at page 3 at the... Near the bottom of page 3, the following words are attributed to Andries van Tonder:

“Alright, okay, I will just... Now we just get R6 000 that they still owe us.”

Is that the R6 000 that you spoke about earlier in your testimony.

MR ANGELO AGRIZZI: Yes, it would have been a short delivery.

ADV PAUL PRETORIUS SC: Right, then Gavin Watson says:

“Now, here is your stuff, Andries.”

From your own experience, do you know what is happening here or even from your own knowledge. If you could specify which please? Whether it is form assumption, from your experience or whether it is your own direct knowledge?

MR ANGELO AGRIZZI: There were certain words that was synonymous with thing and ‘stuff’ is money. Here is your money, here is your stuff. Every month, for instance, I would get my stuff, which was cash money that I was given that I could use to do
10 anything I wanted to. It was not reflected in the books.

ADV PAUL PRETORIUS SC: Alright.

CHAIRPERSON: That is personally, to use for your own personal use as opposed to you paying bribes.

MR ANGELO AGRIZZI: That was what was given to me or to Andries ...[intervenes]

CHAIRPERSON: To do as you please with it.

MR ANGELO AGRIZZI: Just keep you happy.

CHAIRPERSON: *Ja*, okay.

ADV PAUL PRETORIUS SC: Why were these amounts given to yourself and Andries van Tonder, senior management?

20 **MR ANGELO AGRIZZI**: Because it kind of buys loyalty. You feel important. You caught up in a cult.

CHAIRPERSON: And because you knew all these criminal activities.

MR ANGELO AGRIZZI: That is right.

ADV PAUL PRETORIUS SC: And you are now complicit.

MR ANGELO AGRIZZI: *Ja*.

CHAIRPERSON: *Ja.* So also... So in effect not only to keep you happy, but also to make sure that you see no reason to get out of this or to talk.

MR ANGELO AGRIZZI: You see, if I may elaborate.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: It is a trap, like bribery is a trap, because you raise your standard of living when you get it and that is the whole monopoly idea of this monopoly money is that you raise your standard of living. You raise everything to that bar and then as soon as you start complaining about it, it is taken away.

CHAIRPERSON: And this way of bribing people as distant from a situation where you
10 pay somebody a once off amount, this way where you pay them every month or at certain intervals continuously, are you able to say whether actually that would contribute to, maybe this is obvious... Contribute to making sure that, if I am in a government department, or if I am in a company where Bosasa has a contract that is going to be coming to an end and I have influence and I know that if this contract of Bosasa is not extended or renewed, I will not be getting these extra cash, then in all probability, I would be doing whatever I can for the contract to be renewed and to be extended because if it is extended then I continue to enjoy the lifestyle that I have become used to.

MR ANGELO AGRIZZI: Chair quite simply you are one hundred percent correct. It is
20 why we are in the situation we are in this country today.

CHAIRPERSON: Because if you give me money on a once off basis, maybe when the tender is awarded, I might let up on, I think well, I have used that money and that is it. You know it is gone or I have got it already, but if it is continuous as you say, I get used to a certain lifestyle which I do not want to change. At least not for the worse.

MR ANGELO AGRIZZI: Chair, you are hundred percent correct and that is why we had

to use that system, because you do not entrap somebody for life when you pay them a once off, because they take their money and they go and they start and they do something else, but once you start paying people and I have realised that myself. The hard law, the hard way. Once you start paying people bribes on a monthly basis, for as long as that they are they, you control them one hundred percent.

CHAIRPERSON: You see, we all know that Bosasa has been... There has been allegations of corruption up against Bosasa that have been in the media for many, many years ...[intervenes]

MR ANGELO AGRIZZI: Yes.

10 **CHAIRPERSON**: And it has continued to have contracts within Government, notwithstanding that, so this might provide the explanation because people who may have had the power to stop the contracts did not stop them because they were continuing to benefit on a continuous basis and if they stopped the contracts to Bosasa or did not renew them, they would be adversely affected in terms of the monetary value that they were getting from Bosasa.

MR ANGELO AGRIZZI: Chair, you have hit the nail on the head. It is so true and there are plenty people affected.

ADV PAUL PRETORIUS SC: Thank you Chair. If you go to Page 3 of the transcript of the video we have just played, again for record purposes, EXHIBIT S4, to the bottom of
20 page 3. Before we refer to the name mentioned there, may I ask you a question?

MR ANGELO AGRIZZI: Yes.

ADV PAUL PRETORIUS SC: Did you know from your own knowledge of payments made to a person with a first name Patrick?

MR ANGELO AGRIZZI: There were two Patricks. Yes I am aware of them.

ADV PAUL PRETORIUS SC: Who were they?

MR ANGELO AGRIZZI: One is Patrick Litle who was an operational leader. The other one was Patrick Gillingham.

ADV PAUL PRETORIUS SC: And Patrick Gillingham, who was he at the time?

MR ANGELO AGRIZZI: Patrick Gillingham at the time when this all started was the CFO of the Department of Correctional Services.

ADV PAUL PRETORIUS SC: Right, before you go on, do you know whether or not and from your own knowledge please, whether or not money was paid to Patrick Gillingham?

MR ANGELO AGRIZZI: Most definitely money was paid to Patrick Gillingham. I was
10 involved.

ADV PAUL PRETORIUS SC: And you will come to that detail later.

MR ANGELO AGRIZZI: If need be. Yes Chair.

ADV PAUL PRETORIUS SC: Now ...[intervenes]

CHAIRPERSON: Can I... I am sorry Mr Pretorius. Can I just go back to what we discussed two minutes ago.

MR ANGELO AGRIZZI: Yes Chair.

CHAIRPERSON: During your time at Bosasa, are you able to say to give an estimate of about maybe how many Government contracts Bosasa might have had... Let us say during the five years preceding your departure from them or maybe preceding the past
20 10 years. I mean if you get... If you are not accurate, I do not mind. I just want to have an idea. Could it be something in the region of 10 or 20 or are you not able to say?

MR ANGELO AGRIZZI: Chair, what I can tell you, I cannot count all the contracts in the back of my head now, but what I can tell you is it was every single contract.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: Either way, every single contract was tainted with bribes and

corruption.

CHAIRPERSON: Well I was actually going to come to that, to ask whether of the contracts that Bosasa had during your time. Maybe particularly 10 years... The last 10 years before you left, are you able to say, look really there was a legitimate... Any legitimate contract that Bosasa got from Government or any Government entity. They were all based on corruption, bribery and so on.

MR ANGELO AGRIZZI: I would not say that they were all awarded only because of corruption, but once they were awarded, corruption crept in, because somebody would have to be looked after.

10 **CHAIRPERSON**: Yes, but what about extensions and the extensions of contracts. Would the extensions in your experience have likely been influenced by bribery or you are not able to say?

MR ANGELO AGRIZZI: I would say that most extensions were largely affected... I would really have to sit down and work it out, exactly.

CHAIRPERSON: *Ja*, but you think most were influenced by corruption.

MR ANGELO AGRIZZI: Correct.

CHAIRPERSON: Okay. Or maybe one could put it more neutrally to say whether or not the extensions came about as a result of bribes might be one thing, but would you be able to say that where contracts... Bosasa's contracts with Government departments
20 were to be extended, more likely than not, there would be people that would already by then be recipients of bribery.

MR ANGELO AGRIZZI: Most definitely.

CHAIRPERSON: Thank you.

ADV PAUL PRETORIUS SC: Just to clarify in that respect, there would be the stage where Bosasa would bid for the award of a particular tender. Correct?

MR ANGELO AGRIZZI: Correct Chair.

ADV PAUL PRETORIUS SC: There would be occasion on which... And you will give this evidence, Bosasa was involved prior to the issue of the tender documents in going so far as to write up the specifications for the tender.

MR ANGELO AGRIZZI: Correct Chair.

ADV PAUL PRETORIUS SC: Inside knowledge.

MR ANGELO AGRIZZI: Correct.

ADV PAUL PRETORIUS SC: Once the contract had run its course, it would be extended in two circumstances. The first where the client or the Government
10 department had discretion to extend and that it would do in its own discretion. Correct?

MR ANGELO AGRIZZI: Correct.

ADV PAUL PRETORIUS SC: And there were occasions when the contract expired and before it could be extended a further tender process would have be gone through.

MR ANGELO AGRIZZI: Correct Chair.

ADV PAUL PRETORIUS SC: And you have examples of both in your evidence.

MR ANGELO AGRIZZI: Correct.

ADV PAUL PRETORIUS SC: Was influence exercised in respect of both categories of extension?

MR ANGELO AGRIZZI: In most cases yes. There were perhaps one or two
20 exceptions.

CHAIRPERSON: Thank you.

ADV PAUL PRETORIUS SC: And that is unlawful influence I am talking about.

MR ANGELO AGRIZZI: Most definitely.

ADV PAUL PRETORIUS SC: Alright, let us go back then to the transcript at page 3. You say there were two Patricks who would be recipient to your knowledge, of the

payment of cash monies as you have described them as grants.

MR ANGELO AGRIZZI: Correct.

ADV PAUL PRETORIUS SC: Right, your name is mentioned on page 4 and perhaps we should place on record what is recorded here in the transcript. At the bottom of page 3, Andries van Tonder says: “and then Patrick’s”. Gavin Watson then says ‘Ja and then Patrick. How much is Patrick’s” Andries van Tonder say “110” was it not so?

MR ANGELO AGRIZZI: That is correct.

ADV PAUL PRETORIUS SC: What is 110 denote?

MR ANGELO AGRIZZI: R110 000.

10 **ADV PAUL PRETORIUS SC**: Then over the page on page 4 of EXHIBIT S4, Gavin Watson is recorded as saying, “Okay, what is going to happen here? Brian Biebuyck and Angelo.” Is that a reference I take it to yourself?

MR ANGELO AGRIZZI: That refers to Brian Biebuyck the Attorney and Angelo Agrizzi being me.

ADV PAUL PRETORIUS SC: And you have personal knowledge of the circumstances that are being spoken about here.

MR ANGELO AGRIZZI: I can tell you about them Chair.

ADV PAUL PRETORIUS SC: Well let us just read the transcript first and then you can explain to the Chair what this is all about. Andries van Tonder is recorded as saying:
20 “Ja.” Gavin Watson then says, “we will handle Patrick independently okay.” Andries van Tonder says, “Okay”. Gavin Watson says: “But you will go pay him every month okay?” Andries van Tonder says “Okay.” Gavin Watson then says: “Okay, so if you can pay him every month, we change the [indistinct]. Agreed [indistinct]. Brian will handle him every month and then you can pay him every month.” Andries van Tonder ...[intervenes]

CHAIRPERSON: I am sorry, Mr Pretorius. Is there any... Does this mean there will be one person to handle him and another person to pay him or is it one person handling him and paying him.

MR ANGELO AGRIZZI: If I can give you context. A context is ...[intervenes]

ADV PAUL PRETORIUS SC: Perhaps ...[intervenes]

CHAIRPERSON: Oh it is coming.

ADV PAUL PRETORIUS SC: If I may interject.

CHAIRPERSON: Okay.

ADV PAUL PRETORIUS SC: Could we just finish.

10 **CHAIRPERSON**: Okay.

ADV PAUL PRETORIUS SC: And he will give a full explanation to everything.

CHAIRPERSON: Okay. Alright.

ADV PAUL PRETORIUS SC: I am sorry to interrupt.

CHAIRPERSON: Yes.

ADV PAUL PRETORIUS SC: But, if you wish to proceed with the question, obviously I am ...[intervenes]

CHAIRPERSON: If he is going to clarify it that is fine.

ADV PAUL PRETORIUS SC: Yes, it will all be.

CHAIRPERSON: Okay. Yes.

20 **ADV PAUL PRETORIUS SC**: Andries van Tonder says: “Ja”. Gavin Watson then says: “Okay, how much is it Andries”. Andries van Tonder says: “110 I think”. Gavin Watson says: “110, I just want [indistinct] quickly to do the [indistinct].” Andries van Tonder then says: “Ja, because Patrick phoned me that is why”. Gavin Watson says: “Okay.” Andries van Tonder says: “Alright then”. Gavin Watson says: “Just open your office. I will be with you now”. Andries van Tonder: “Alright, ja Piet is here.” Gavin

Watson: “Is it”. Andries van Tonder: “Ja”. Gavin Watson: “Okay”. And that is the end of the transcript on the video.

Bear in mind the question of the Chair as to who would “handle that person and who would affect payment to a person” and how that system worked, if you would not lose sight of that question please, but ...[intervenes]

CHAIRPERSON: Well I thought Mr Pretorius, you said the context would come from this.

ADV PAUL PRETORIUS SC: No, no, not from this. From his description on the whole.

10 **CHAIRPERSON**: Ja, if I a knew that, I would have asked for the answer then.

ADV PAUL PRETORIUS SC: I am sorry.

CHAIRPERSON: I thought you were saying the context was going to come from this.

ADV PAUL PRETORIUS SC: No Chair, he would have a complete explanation of what the whole of the discussion ...[intervenes]

CHAIRPERSON: Ja, let me here now.

ADV PAUL PRETORIUS SC: My apologies.

CHAIRPERSON: Let me here now.

20 **MR ANGELO AGRIZZI**: Chair, I think that the Transcriber maybe does not... Did not recognise the voices, but basically what it said is, it is said... It says in the transcript here, “Sir, so if you pay me every month, we changed the agreed agreement. Brian will handle him every month and you can pay him every month.” So Brian Biebuyck and myself would have to go and do a handover. I had objected. Once more, I had been put under an agreement which said I would be paid X every month, but I have to handle Patrick Gillingham is one of them and I helped him with his divorce and everything and so with his kids and that, so I would have to handle him, but then Andries would pay

him.

CHAIRPERSON: Oh.

MR ANGELO AGRIZZI: But I had said, I do not want part of any of this anymore. I was already outside the company.

CHAIRPERSON: Oh.

MR ANGELO AGRIZZI: And I basically said, I do not want anything to do, but I agree that I would have one last meeting with him and Brian Biebuyck would then handle him going forward, so we arranged a meeting where I attended with Brian Biebuyck and I said that is it. I am not dealing with you anymore.

10 **CHAIRPERSON**: Yeah. Okay, so the handling, refers to doing certain things for him, other than paying him. I do not know whether I should say managing him but maybe that is not the correct term, but doing certain things to help him whenever he might need help other than cash.

MR ANGELO AGRIZZI: You have hit the nail on the head again Chair. What you said, 'manage him' so that he does not become like I did, a loose cannon in the opinion of Watson.

CHAIRPERSON: And this concept of handling the recipients of this money, apart from paying them.

MR ANGELO AGRIZZI: Yes.

20 **CHAIRPERSON**: Did it apply to all the recipients? In other words, they had to be handled, managed or most of them?

MR ANGELO AGRIZZI: Most of them would be managed by the person that pays them. This was a unique situation. It was a very sensitive situation and that is why Brian Biebuyck was co-opted into handle him and Andries was co-opted into paying him, so I do not know why they decided on Brian Biebuyck or Andries to pay him, but it

was to control the process.

CHAIRPERSON: Did you say Mr Biebuyck was an attorney?

MR ANGELO AGRIZZI: I believe he was... He was an attorney. I am not... I cannot
...[intervenes]

CHAIRPERSON: *Ja*, okay.

ADV PAUL PRETORIUS SC: Let us then just clarify a few issues. Prior to the handover of the duty of payments and the duty of handling to Mr Biebuyck on the one hand and Mr van Tonder on the other, what was the practice or what was the arrangement in regard to payments to Patrick Gillingham?

10 **MR ANGELO AGRIZZI**: I would handle them Chair.

ADV PAUL PRETORIUS SC: And pay.

MR ANGELO AGRIZZI: And pay.

ADV PAUL PRETORIUS SC: Or who would pay?

MR ANGELO AGRIZZI: I would handle him and I would pay him.

ADV PAUL PRETORIUS SC: Are you able to say from this transcript and your recollection of the circumstances that you have described to the Chair, which Patrick is being referred to in this transcript?

MR ANGELO AGRIZZI: I do not seem... Which... Where you referring to in the transcript.

20 **ADV PAUL PRETORIUS SC**: Remember you told the Chair that there were two Patricks who received money from Bosasa.

MR ANGELO AGRIZZI: Yes. This is Patrick Gillingham.

ADV PAUL PRETORIUS SC: Are you able to say from your own knowledge, which Patrick is being referred to in this transcript.

MR ANGELO AGRIZZI: This is Patrick Gillingham and I can explain why Chair

...[intervenes]

ADV PAUL PRETORIUS SC: Please hand on.

CHAIRPERSON: Please do so.

MR ANGELO AGRIZZI: Okay, because the other Patrick used to get the money for the Unions at Kloof, Libanon and Leeudoring and he used to get the money for the hostel manager that used to be paid as well. So he would get a different set of money to this. This was a full R110 000 that was packaged specifically for Patrick Gillingham, over and above his other salary.

CHAIRPERSON: And the other Patrick was not getting that amount.

10 **MR ANGELO AGRIZZI**: No.

CHAIRPERSON: That amount... The only Patrick that was getting that amount was Mr Gillingham.

MR ANGELO AGRIZZI: Correct.

CHAIRPERSON: Okay. Alright.

MR ANGELO AGRIZZI: Sorry and if I can also just clarify and add, because if he just said Patrick and 110, there could have still been maybe the same or different Patrick, but the fact that he says that Angelo and Brian... There has been a new agreement. Angelo and Brian Biebuyck will handover and meaning that I would handover and you will go and pay me future on a monthly basis.

20 **CHAIRPERSON**: And maybe just to go back a little bit, where a person such as yourself was the one assigned the responsibility to pay a particular recipient, was that person required to be the one who hands the cash over physically to the recipient or could they give it somebody else to hand it over or depended on situations on availability? I am just trying to see to what extent for example when you tell us that you were the one to pay X, that we can take it that it means that normally you would hand

the cash over personally to that person.

MR ANGELO AGRIZZI: Chair, it is normally the responsibility of the person that ordered... In other words that said, I need to pay somebody to take that cash, so whoever I handed it to, they would confirm it to me. I would do a few checks now and again, but I would say they would not, not hand it to the person, because it would come out eventually, if you do not.

CHAIRPERSON: Oh, so in your case, when it was said that you would pay so and so, it meant paying the intermediary, the other person like a director of Bosasa who would need money to pay a recipient. It did not mean that you were the one to physically pay
10 the ultimate recipient.

CHAIRPERSON: You are correct, with one exception that sometimes the person was not around and I would have to pay the recipient directly in various cases.

CHAIRPERSON: Okay. Thank you.

ADV PAUL PRETORIUS SC: And you would specify such occasions in your evidence to come.

MR ANGELO AGRIZZI: Yes I will.

ADV PAUL PRETORIUS SC: Just to clarify a little detail of the video and the circumstances surrounding the payment of monies to which you have just testified, do you know approximately when this video was taken?

20 **MR ANGELO AGRIZZI**: This video was taken in 2017. I am sure the investigators, when they did the voracity check, actually looked at that video, if I am not mistaken.

ADV PAUL PRETORIUS SC: That evidence can be given.

MR ANGELO AGRIZZI: Yes.

ADV PAUL PRETORIUS SC: Where were you at the time?

MR ANGELO AGRIZZI: I was at my office in... Where I was working. Not at Bosasa. I

had left Bosasa.

ADV PAUL PRETORIUS SC: And what is the relevance of your not being employed to the fact that there is a handover here?

MR ANGELO AGRIZZI: I remember having... Sorry I want to answer this properly. Sorry Chair, can the question be repeated?

ADV PAUL PRETORIUS SC: Well the duties that you used to perform.

MR ANGELO AGRIZZI: Yes.

ADV PAUL PRETORIUS SC: Are according to your evidence in relation to the transcript and the video being handed over to another person to perform those duties.

10 **MR ANGELO AGRIZZI:** Yes.

ADV PAUL PRETORIUS SC: At the stage this video was taken and at the stage this conversation apparently took place, you were no longer employed by Bosasa.

MR ANGELO AGRIZZI: Correct.

ADV PAUL PRETORIUS SC: Is that the reason the handover takes place or is there a another reason that the handover takes place?

MR ANGELO AGRIZZI: I was handling it to a point and then I did not want to deal with them anymore and that is why the handover took place.

ADV PAUL PRETORIUS SC: Right. Was there any stage after the termination of your employment that you continued to be involved in the payment of monies?

20 **MR ANGELO AGRIZZI:** No.

CHAIRPERSON: Before you proceed Mr Pretorius, what motivated the taking of this video or why did it happen and who... I think you said you arranged for it to be taken. Can you give that background?

MR ANGELO AGRIZZI: I can give it. It will take a while, but I would most definitely give it to you now if you do not mind.

CHAIRPERSON: Okay.

MR ANGELO AGRIZZI: So basically what would happen is people would be disposed of. If you got to know too much, people would just get disposed of. I know, because I used to do some of the disposing.

CHAIRPERSON: Yes. Tell us about the disposing. Sounds like people being taken out in coats during a certain era in our country. Tell us about disposing... People being disposed of. What do you mean?

MR ANGELO AGRIZZI: Well there was a dustbin for people.

CHAIRPERSON: Yes?

10 **MR ANGELO AGRIZZI**: There is a dustbin with people's names on it. So basically if you had served your purpose and you started raising your voice and you started saying, but I do not want to do this anymore, you would be easily terminated. Just say, we do not need that person anymore and we lived in an environment where it was very dangerous. They had a history would be... I for instance was shown... I was called to a meeting at the Michael Angelo once and Mr Watson was sitting with a gentleman by the name Killer Ximba and ...[intervenenes]

CHAIRPERSON: Ximba. X I M B A.

MR ANGELO AGRIZZI: X I M B A

CHAIRPERSON: Ja.

20 **MR ANGELO AGRIZZI**: And I had never met him before. I had heard of him and I was called by Gavin Watson and I remember it vividly. They were sitting with a fish... Where the fish pond is on the restaurant level and said, come look at this. And the guy opened up a bag and showed me a big... I do not know what kind... I do not own a gun, I have never used a gun, so I would not know, but I was... When I explained it afterwards, it was a 45 Colt with a white handle and all chrome and he showed it to me.

So, you know what would happen is, if you did not do what was told to you, where you questioned it, you became a problem and problems would have to leave. They would have their salaries cut. We were constantly told that we were white males and that you will not find a job anywhere out there and I have got videos of conference where we were stood up and we were told, you are a white male. You will not find a job anywhere. This was drummed into our heads so as soon as we stopped doing what we told to do, the wrath of everything would come down on us and the biggest problem is that the blame would be attributed to those who had left. So when I left, a lot of blame was attributed to me. That I was involved. I was the one who paid people. I was the
10 one... It was under my instruction. So, Mr Andries van Tonder phoned me up one day and he was very concerned, because it was a process that you could see unfolding. You would pick it up. First you would get moved. Your office gets moved. You get ignored and then the next thing is, you get fired and you do not have the financial resources to go and fight in the legal cases and that and the one thing that you must bear in mind that Gavin Watson would never sign anything. He would tell you, I never have signed anything. You cannot pin anything on me and he would then sell you up and that is what motivated the video.

CHAIRPERSON: Do I understand you correctly that you wanted to be able to prove that you were not the only one who was involved in these criminal activities.

20 **MR ANGELO AGRIZZI**: Had I come to the Commission Chair without solid evidence to show you, it would all have been pinned on me alone.

CHAIRPERSON: So you wanted to make sure you would have a strong case to show that you are not the only one.

MR ANGELO AGRIZZI: I do not think Chair that is correct.

CHAIRPERSON: Yes.

MR ANGELO AGRIZZI: I wanted to show you where corruption... And I wanted to tell the country how easy it is to fall into this trap.

CHAIRPERSON: Yes. So in other words already at that time when you arranged for the video to be taken, you were having in mind that you wanted to share this information with the nation. Is that right?

MR ANGELO AGRIZZI: Correct.

CHAIRPERSON: Okay. Thank you.

ADV PAUL PRETORIUS SC: Is this a convenient time for the long adjournment Chair?

CHAIRPERSON: Yes. We will take the lunch adjournment and we will resume at
10 14:00. We adjourn.

REGISTRAR: All rise.

COMMISSION ADJOURNS

COMMISSION RESUMES

ADV PAUL PRETORIUS SC: Good afternoon Chair. I understand that you had an announcement to make.

CHAIRPERSON: Yes. Thank you. We were supposed to resume at 14:00. We did not resume at 14:00 because there was a security situation in the building connected with the hearing that needed to be looked into. It has been looked into and it is necessary that measures be taken to ensure that those who come to this hearing are
20 safe and the relevant authorities need to be given space to do that so we are going therefore to adjourn the proceedings for this afternoon, but we will resume tomorrow. The work that this commission has to do is going to continue, so we will adjourn and we will resume at 10:00 tomorrow.

COMMISSION ADJOURNED TO 18 JANUARY AT 10:00